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December 1, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen and Members
Continuing Legislative Committee on Planning & Economic Development
Legislative Office Building
Room 2100
Hartford, CT 06106-1591

The Honorable Robert L. Genuario
Secretary, Office of Policy & Management
State of Connecticut
450 Capitol Avenue
Hartford, CT 06106-1379

Re: City of Norwich Application for Interim Change to State Conservation and Development Policies Plan

Dear Chairmen Coleman and Feltman, Members of the Continuing Legislative Committee, and Secretary Genuario:

This firm represents Norwichtown Development, LLC ("Norwichtown Development"), the owner of the land singled out by the above-referenced application. The City of Norwich (the "City"), in an incredible flip-flop, requests that the Continuing Legislative Committee on State Planning and Development (the "Committee") change the classification of our client's land from "Neighborhood Conservation" to "Rural Land" on the Locational Guide Map of the Conservation and Development Policies Plan for the Connecticut, 2005 – 2010. This request comes just over 3 months after the City and its representative in the General Assembly impliedly supported the "Neighborhood Conservation" designation voted by the Committee on July 10, 2008, when the City waived an opportunity for a public hearing and its representative did not attend the Committee meeting at which the vote occurred. Our client strenuously objects to the approval of the application.



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**BACKGROUND: THE CITY'S SUPPORT FOR NORWICHTOWN DEVELOPMENT'S
INTERIM MAP CHANGE PROPOSAL**

On April 15, 2008, Norwichtown Development, through Attorney Gregory Sharp, submitted an application for an Interim Amendment to the Locational Map for Norwich incorporated in the Conservation and Development Policies Plan for Connecticut, 2005-2010, to the Office of Policy and Management ("OPM"). **(Tab A.)** Our client requested, and the Committee granted, a change to the classification of its 59.9-acre parcel located between Scotland and Hansen Roads from "Rural Land" to "Neighborhood Conservation," consistent with the existing residential land use of properties abutting the parcel to the west and north along Hansen and Plain Hill Road, its proximity to I-395, and the large areas of land designated either Growth Area or Neighborhood Conservation immediately adjacent to I-395. Attorney Sharp's April 15, 2008 cover letter noted that representatives of our client spoke with city staff and were "encouraged to pursue this application."

On April 21, 2008, W. David LeVasseur, Undersecretary, OPM, Intergovernmental Policy Division, notified all of the Members of the Committee, including Representative Jack Malone, of receipt of the application and requested the Committee's written approval to undertake the revision process. **(Tab B.)** The Committee gave its approval in writing on May 19, 2008. **(Tab C.)** On May 27, 2008, Undersecretary LeVasseur forwarded a copy of the application materials to the Committee, and in his cover letter, explained that the City of Norwich had 20 days from the receipt of notification to request a public hearing. Copied recipients of this letter were: Senator Edith Prague, 19th Senate District; Bill Hogan, DEP; Benjamin P. Lathrop, Mayor of Norwich; Peter Davis, Norwich Director of Planning & Neighborhood Services; Alan Bergren, Norwich City Manager; and James Butler, Southeastern Connecticut Council of Governments. **(Tab D.)**

On June 2, 2008, the Norwich Planning Director Davis notified OPM that the City will waive its right to a public hearing in order to expedite the process. **(Tab E.)** That same day, Ralph Page, Chairman of the Norwich Commission on the City Plan, notified OPM that he had directed Mr. Davis to inform OPM of the intent to waive the hearing, and stated that he supported the waiver as a means to expedite the process. **(Tab F.)**



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On June 9, 2008, Undersecretary LeVasseur submitted OPM's Findings and Recommendations for no change to the Guide Map to the Committee. **(Tab G.)** That transmittal was sent to all parties listed in the May 27, 2008 communication. Attorney Sharp provided the Committee with our client's responses to the OPM's Findings and Recommendations on July 1, 2008. **(Tab H.)**

On July 2, 2008, Ben Daigle, Committee Clerk, as is his usual custom, notified the Committee of the July 10, 2008 meeting by e-mail, which notice included a description of the Norwichtown item to be on the agenda. **(Tab I.)** He followed up on July 9, 2008 with an e-mail to the members of the Committee containing copies of all applications to be considered at the July 10, 2008 meeting. **(Tab J.)**

At its regular meeting on July 10, 2008 after discussion, the Committee passed a motion to grant Norwichtown Development's application, 3-2, after a motion to deny failed to pass. Four Committee Members, including Representative Malone, were absent. **(Tab K.)** The Guide Map was changed to reflect this decision on or before July 18, 2008. **(Tab L.)**

THE CITY'S FLIP-FLOP

The next month, in August 2008, Norwichtown Development made application to the Norwich Inland Wetlands and Watercourses Commission for regulated activities associated with development of an active adult community. Newspaper reports from September 2008 show how, commencing shortly after the submission of the local inland wetlands application, neighbors began organizing to oppose the active adult community application. **(Tab M.)** This seems to have led to the "discovery" of this Committee's July 10, 2008 map change and the City's waiver of the public hearing thereon.

On September 19, 2008, some two months after this Committee's granting of Norwichtown Development's application for the change to the Guide Map, Representative Malone – absent from the meeting at which the Commission approved the change – requested the Committee Chairs to schedule a vote reconsideration. **(Tab N.)** While Representative Malone notes that questions were raised about the position of Norwich officials on the application, in fact, the Chair of the Commission on the City Plan, as well as the Planning Director, communicated with the Committee and expressed no concern, stating that the proposal was consistent with the Norwich Plan of Conservation and Development. Representative Malone blames the summer



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vacation timing for the lack of turnout, and his voluminous email for his failure to appear.

Ten days later, on September 29, 2008, Mayor Lathrop – in uncannily similar language to Representative Malone’s letter – requested that the Committee reconsider its vote, stating that the matter had taken on additional significance due to the neighborhood opposition to Norwichtown Development’s local inland wetlands application. **(Tab O.)** This opposition showed itself at the October 2, 2008, Norwich Inland Wetlands and Watercourses Commission public hearing on Norwichtown Development’s application.¹ Among those in opposition is Byron Brook Country Club, Inc., a competing developer. **(Tab P.)** Remarkably, Byron Brook will need to get the Committee’s approval for the same map change for its property the Committee granted for the Norwichtown Development parcel. The developments both include lands designated rural before the Committee’s vote on July 10, 2008, and are located within approximately 300 feet of each other.

Norwichtown Development, through an October 4, 2008 letter by Attorney David Sherwood, opposed Representative Malone’s and Mayor Lathrop’s requests to reconsider the decision. **(Tab Q.)** This Committee did not reconsider its decision, but, on October 7, 2008, informed OPM and DEP that it would grant OPM permission to process a “forthcoming” application by the City of Norwich, and, to the extent one is received, expressed the hope that the application will be “processed as expeditiously as possible.” **(Tab R.)**

In the meantime, the City was positioning itself to make an application to change the classification of Norwichtown Development’s land back to “Rural Lands.” On October 6, 2008, City Manager Bergren’s “City Manager’s Report to Council,” **(Tab S.)** item 2, contained the following synopsis of the City’s attempts to reverse course:

A copy of the [OPM May 27th] notice to request a public hearing was submitted to the Council in the [June 2nd] Council packets. Based upon previous action taken by the past City Council to amend the Zoning Ordinance to allow for Active Adult Communities and the extension of public utilities to support these developments, and the Commission on the City Plan’s adopted Plan of Conservation and Development supporting same, it was

¹ The public hearing on our client’s regulated activities application closed on November 6, 2008. A decision is expected as early as December 4, 2008.



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existing City policy to support the extension of public utilities to rural areas. The Planning and Development Director was acting in response to existing city policy.

In retrospect a copy of the letter regarding a wavier [sic] of the state public hearing should be furnished to the Council. Also the state notice that was furnished to the Council should be flagged as, as an item the Council, as Zoning Authority, may want to consider for action. The Planning Director and I have discussed steps we will take to elevate notices of this nature to the attention of the Council, considering the numerous materials that are distributed to you on a weekly basis.

On October 22, 2008, City Manager Bergren submitted the application and supporting documents presently before this Committee. **(Tab T.)** Predictably, this time the City requested – and did not waive -- a joint public hearing.

THE CITY'S PENDING APPLICATION

In seeking to re-classify Norwich Development's land as "Rural Lands," the City simply wants to turn back the clock because of the pressure brought to bear by a few, vocal abutting neighbors who would prefer free open space next to their homes rather than new housing. Those same neighbors, a small but well-organized and outspoken group, likely were the principal cause of Representative Malone losing his seat in the general election. What was good planning a few months ago has become pure politics today.

The City's application is devoid of any planning rationale. This is not surprising, since the events described above leading up to the submittal of the application aptly demonstrate that the City has only procedural – and not substantive – objections entirely of its own making. It should not be allowed another bite at the apple due to after-the-fact local political pressure, especially when Mr. Davis, the only professional planner and the only public official in the mix who does not need to run for office, outlined a compelling case for why there was no objection to Norwichtown Development's initial application. **(See September 22, 2008 Memorandum attached to Mayor Lathrop's September 29, 2008 Letter at Tab O.)**

Mr. Davis references the recent approval by City agencies of "a development in the same neighborhood that consists of 600 residential units," among other things. This



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significant development is known as Byron Brook. Importantly for this Committee, an area identified as the "Byron Brook Development Area" appears by name on a November 16, 2007 drawing prepared by Black and Veatch (**Tab U**) entitled "Norwich Variance Requests – State C&D Plan." This drawing serves as a foundation for a presumably impending application to again change the Conservation and Development Policies Plan, except this time in favor of Byron Brook, which seemingly cannot go forward without the requisite change.

Note also that the City's pending application does not include the acknowledgement that the Council received, but did not discuss, the OPM notice of the application. The City only submitted the resolution passed at the October 6, 2008 meeting, along with Mr. Davis's memorandum. City Manager Bergen's remarks are important because they demonstrate that the City's policy heretofore was to support extending utilities to rural areas and the development of active adult housing.

There are compelling planning reasons for rejecting the City's application set forth in the testimony and letter of Brian J. Miller, AICP, of the Turner Miller Group. (**Tab V**.) Simply put, the Committee should be engaged in considered plan-making, and not placed in a position to make a precipitous and reactive decision, which has the effect of whip-sawing property owners like Norwichtown Development, which has followed the letter of the law in its application to revise the Guide Map, and has since relied to its detriment on the plan amendment the Committee enacted on July 10, 2008.

To flip-flop on this important issue would be contrary to good planning, in contravention of the region's needs for housing, adverse to smart growth, encouraging of sprawl, and seriously damaging to the reputation of the State of Connecticut as a place to do business. The City's application to "restore" the designation of Norwichtown Development's land is really best characterized as nothing more than a local, anti-development neighborhood group's blatant manipulation of Norwich officials and attempted pressuring of this Committee to effect a change in the Conservation and Development Policies Plan.

CONCLUSION

For all of the reasons described above, our client, Norwichtown Development, LLC, respectfully requests that you reject the application of the City of Norwich to change the classification of our client's land back from "Neighborhood Conservation" to



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"Rural Land" on the Locational Guide Map of the Conservation and Development
Policies Plan for the Connecticut, 2005 – 2010.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dwight H. Merriam", with a long, sweeping horizontal line extending to the right.

Dwight H. Merriam, FAICP

Copy to:

Norwichtown Development, LLC
David F. Sherwood, Esq.



MURTHA CULLINA LLP

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April 15, 2008

Robert L. Genuario, Secretary
Office of Policy and Management
State of Connecticut
450 Capitol Avenue
Hartford, CT 06106-1379

Re: Interim Amendment to Locational Map for Conservation
and Development Policies Plan for Connecticut, 2005-2010.

Dear Secretary Genuario:

I am writing on behalf of Norwichtown Development, LLC to request an interim amendment to the Locational Map for Norwich incorporated in the Conservation and Development Policies Plan for Connecticut, 2005-2010 ("State Plan"), pursuant to Section 16a-32(b)(2) of the Connecticut General Statutes.

The applicant is the owner of property bounded by Scotland Road on the East, Hansen Road on the West and Plain Hill Road on the North in Norwich. As required by Section 16a-24b-2 of the Regulations of Connecticut State Agencies, I am submitting this application in triplicate with supporting documentation consisting of:

- 1) the required depiction of the land area proposed to be changed outlined on a U.S. Geological Survey topographic series map at a scale of 1:24,000 (1"-2,000') and identified as Area 1; and
- 2) two supplemental drawings at a more detailed scale showing a) the existing designations and development in the area of the property, identified as Scotland and Hansen Roads Site Development Area ("Site Development Area Map"), and b) the location of the property with respect to existing sewer and water service, identified as Scotland & Hansen Roads Area Overview ("Area Overview Map").

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The property is approximately 59.9 acres in size with a recorded conservation easement covering the easterly one-third of the property along Scotland Road. The remainder of the parcel, which is the subject of this application, is classified Rural Land under the State Plan, and the applicant wishes to have it designated as Neighborhood Conservation, which is consistent with the existing residential land use of the properties abutting the parcel to the west and north along Hansen and Plain Hill Road, its proximity to I-395 and the large areas of land classified as Growth Area or Neighborhood Conservation immediately adjacent to I-395. See Site Development Area Map.

The parcel in question is in an R-80 zone, but under Section 7.6 of the Special Regulations of the Norwich Zoning Ordinance ("Special Regulations") applicable to Active Adult Communities, the property is eligible for development at a greater density if its use is restricted to an Active Adult Community, and it exceeds 10 acres. See Section 7.6.4.(a)(2) of the Special Regulations attached.

One of the requirements for development of the property under Section 7.6 is that the property be connected to public water and sewer, which is inconsistent with the current land use classification imposed on the property by the State Plan, which is designated as Rural Land. As you are aware, the overall policy contained in the State Plan for Rural Land is to "protect the rural character of these areas by avoiding development forms and intensities that exceed on-site carrying capacity for water supply and sewage disposal, except where necessary to resolve localized public health concerns."

By contrast, the Neighborhood Conservation Area, which is the classification the applicant seeks, is designed to "promote infill development in areas that are at least 80% built up and have existing water, sewer and transportation infrastructure to support such development."

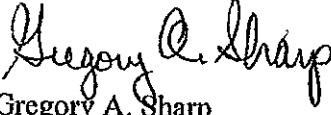
As you can see from the Site Development Area Map, the Area 1 parcel is proximate to I-395 and extensive areas of classified as Growth Areas or Neighborhood Conservation which are served by the requisite utilities. Reclassification of the property is unlikely to have an adverse impact on the small area of Rural Land along Lawler Lane between the Growth Area and Area 1.

The applicant seeks an amendment of the State Plan Locational Map for Norwich to amend the classification of his property from Rural Land to Neighborhood Conservation and, for the foregoing reasons, respectfully requests the Secretary to grant the change.

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While I will allow the municipal officials to speak for themselves through the amendment process, it is my understanding that my client and his engineer have spoken informally to staff of various departments in the City of Norwich and have been encouraged to pursue this application with your agency.

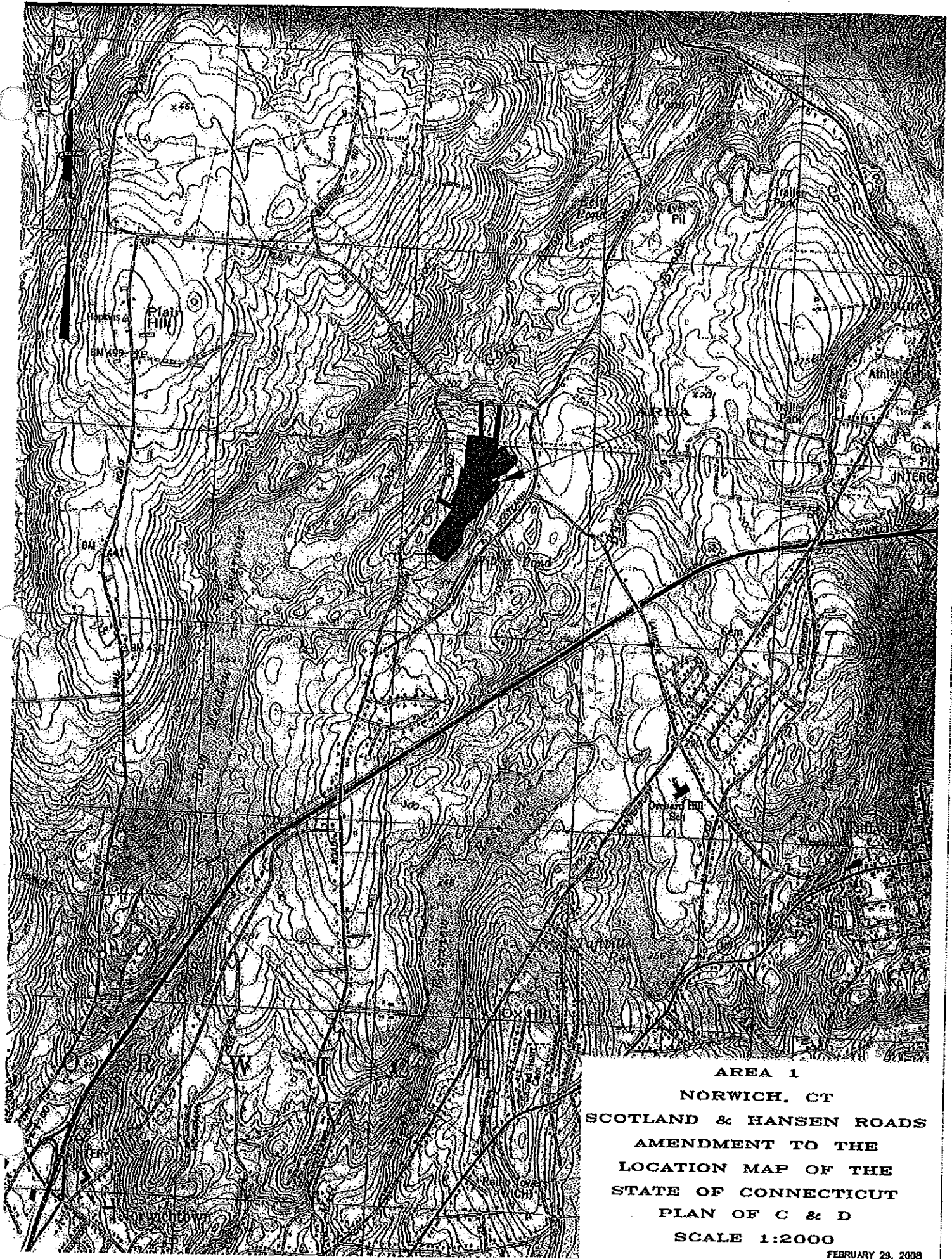
Very truly yours,


Gregory A. Sharp

Enclosures:

U.S.G.S. Quadrangle Map
Two Drawings
Zoning Regulations






cc: Mr. Frank Donner
Pat Lafayette, P.E.

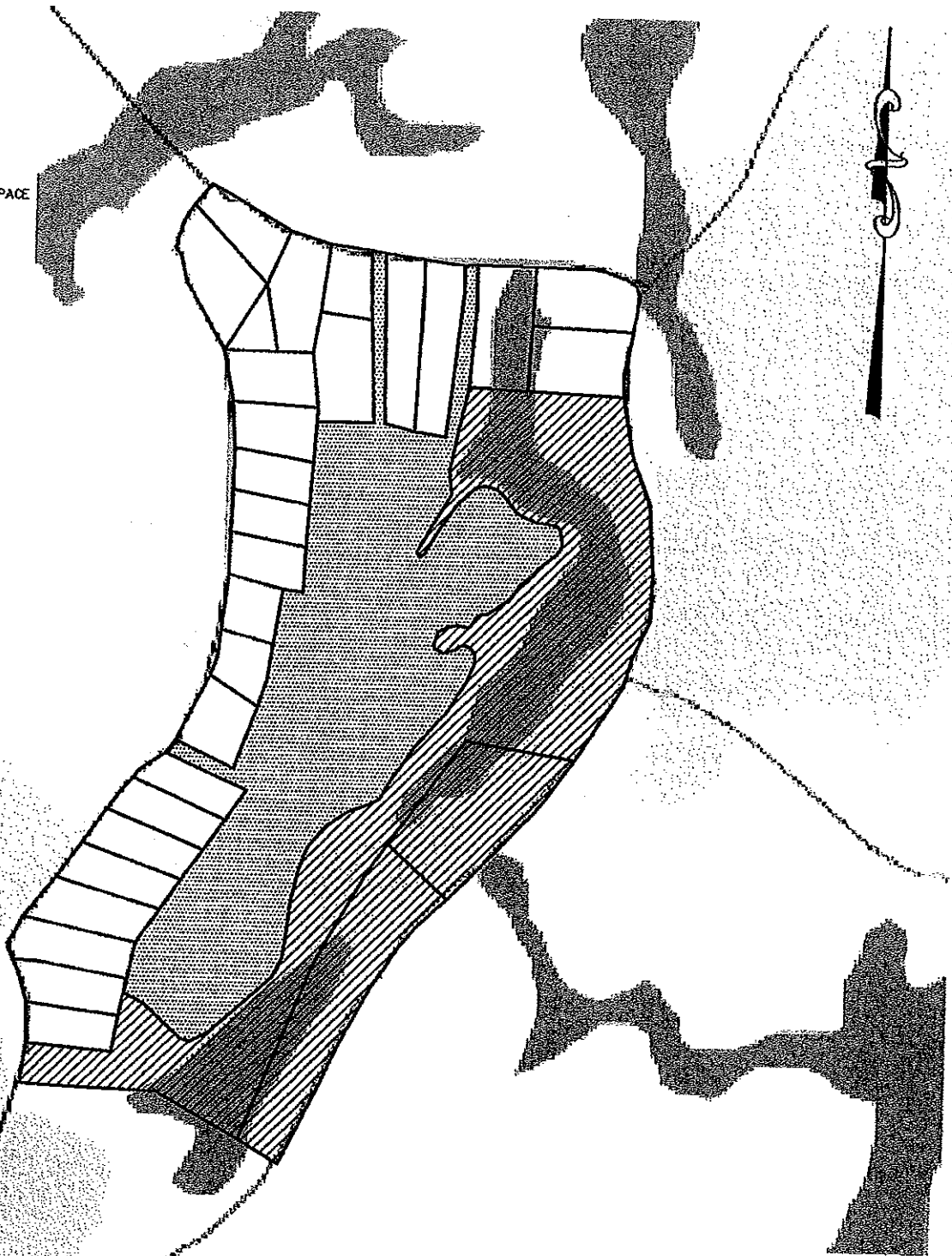


AREA 1
NORWICH, CT
SCOTLAND & HANSEN ROADS
AMENDMENT TO THE
LOCATION MAP OF THE
STATE OF CONNECTICUT
PLAN OF C & D
SCALE 1:2000

FEBRUARY 29, 2008

LEGEND

-  RURAL LANDS
-  CONSERVATION AREA
-  PRESERVATION AREA
-  EXISTING PRESERVED OPEN SPACE
-  GROWTH AREA



**SCOTLAND & HANSEN ROADS
SITE DEVELOPMENT AREA
CITY OF NORWICH
PROPOSED AMENDMENTS TO
THE LOCATION MAP OF
THE STATE PLAN OF
CONSERVATION AND DEVELOPMENT**







DATE: 2-29-08

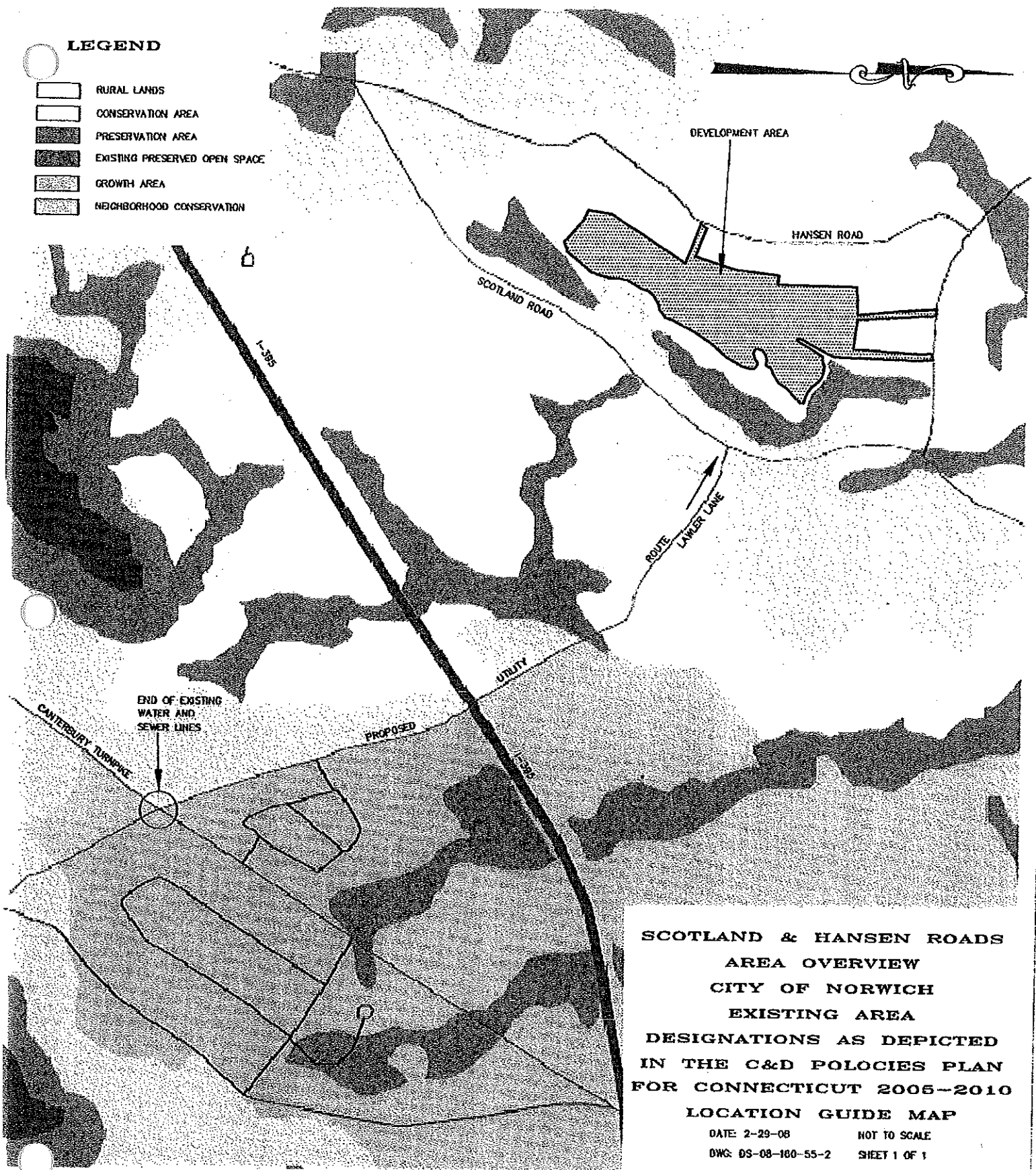
NOT TO SCALE

DWG: DS-08-160-55

SHEET 1 OF 1

LEGEND

-  RURAL LANDS
-  CONSERVATION AREA
-  PRESERVATION AREA
-  EXISTING PRESERVED OPEN SPACE
-  GROWTH AREA
-  NEIGHBORHOOD CONSERVATION



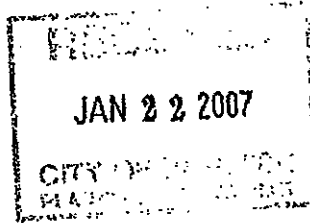
**SCOTLAND & HANSEN ROADS
AREA OVERVIEW
CITY OF NORWICH
EXISTING AREA
DESIGNATIONS AS DEPICTED
IN THE C&D POLOCIES PLAN
FOR CONNECTICUT 2005-2010
LOCATION GUIDE MAP**

DATE: 2-29-08

NOT TO SCALE

DWG: DS-08-100-55-2

SHEET 1 OF 1



ORDINANCE 1560
ADOPTED 1/16/2007
PUBLISHED 1/19/2007

AN ORDINANCE AMENDING CHAPTER 7. SPECIAL REGULATIONS OF THE NORWICH ZONING ORDINANCE BY ADDING SECTION 7.6 ACTIVE ADULT COMMUNITIES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH: that Chapter 7. Special Regulations of the Norwich Zoning Ordinance be amended by adding Section 7.6 Active Adult Communities as follows:

Sec. 7.6 Active Adult Communities

7.6.1. Intent. The intent of this section is to provide for developments for adults 55 years of age or older which shall be known as Active Adult Communities and shall fully comply with the provisions of the United States Fair Housing Act, as amended, (42 USC Sec 3601, et. seq.), The Housing for Older Persons Act of 1995, 242 CFR Section 100.304, as amended, and in accordance with Federal law.

7.6.2 Application Procedure. All applications for Active Adult Communities shall be subject to special permit review in accordance with Section 17.2 of these regulations. In addition to the notice required under Section 17.2.2, additional notice shall be given by certified mail by the applicant or property owner to owners of any property within 500 feet of the proposed Active Adult Community.

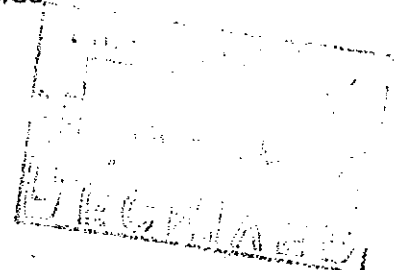
7.6.3. Permitted Active Adult Community Uses. The only permitted use within the Active Adult Community shall be single family detached, two-family and multi-family attached dwellings (high rise or garden apartments), as well as accessory uses (e.g., garages and community rooms), as determined and approved by the Commission on the City Plan which are intended and designed for the maintenance and/or operation of the Active Adult Community and/or the use of its residents.

7.6.4 Schedule of Parcel and Building Requirements for Active Adult Communities.. No parcel shall be used and no building shall be erected in Active Adult Community except in conformance with the following requirements:

(a) **Parcel Area.** The minimum area for a parcel or parcels to be used for an Active Adult Community shall be:

- (1) R-20 Residence District - not less than 10 acres.
- (2) R-40 Residence District - not less than 10 acres
- (3) R-80 Residence District - not less than 10 acres
- (4) MF Multifamily District - not less than 5 acres.

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To Pat	From Tianne		
Co./Dept.	Co.		
Phone #	Phone # 823-371166		
Fax # 204-0652	Fax #		



- (b) **Density Standards.** Density standards for an Active Adult Community shall be no more than 8 units per acre.
- (c) **Building Height Requirements.** Notwithstanding Section 1.9 of these regulations, buildings within an Active Adult Community shall not exceed 40', which shall be measured from the highest adjacent grade. As used herein, "adjacent grade" shall mean the highest grade height located at the building corners.
- (d) **Minimum Distances Between Buildings.** The minimum distance between active adult residence dwellings on the same parcel shall be no less than 10 feet.
- (e) **Yard Requirements.** Minimum set back requirements for the parcel shall be in accordance with the following schedule: front yards, 50 feet; side yards, 50 feet and rear yards 50 feet.
- (f) **Lot Coverage.** The total area of all roofed structures on a lot shall not exceed 25 percent of the lot area.
- (g) **Off-Street Parking Requirements.** Off-street parking space shall be provided at the rate of 1½ spaces per dwelling unit. If site conditions permit, the Applicant shall incorporate an indoor garage for each single family detached and 2 family attached dwelling unit. Applicant shall consult with the City Planner and City Engineer concerning this requirement.
- (h) **Sanitary Requirements.** All such buildings shall be connected to public water and public sanitary sewerage systems, or private sewerage systems which meet the minimum requirements of local and state departments of health.
- (i) **Landscaping Requirements.** A landscaped buffer strip, at least 20 feet wide, seeded to grass or mulched and planted with evergreen trees and shrubs a minimum of six (6) feet in height at time of planting and capable at all times of the year of satisfactorily obscuring sight, sound and illumination from adjacent property, shall be placed along the boundary line of any rear, side or front yard. Said buffer shall be increased by 1 foot for each foot that any building exceeds 25 feet in height. This requirement may be altered by the Commission on the City Plan when conditions so warrant, to be in harmony with the intent to effectively screen the building and vehicular parking from adjacent residences.

(j) **Minimum Floor Areas.** Single-family, two-family and multi-family active adult residence dwellings shall comply with the following express conditions:

- (1) The minimum floor area for a single-family Active Adult Community unit containing one bedroom shall be 1,000 square feet.
- (2) The minimum floor area for a single-family Active Adult Community unit containing two bedrooms shall be 1,200 square feet.
- (3) The minimum floor area for a two-family or multi-family Active Adult Community unit containing one bedroom shall be 1,000 square feet.
- (4) The minimum floor area for a two-family or multi-family Active Adult Community unit containing two bedrooms shall be 1,200 square feet.

(k) **Architectural Design Considerations:** There shall be submitted with each application for an Active Adult Community a floor plan for each type or style for each dwelling unit. It is the intent of this section that all buildings within the Active Adult Community not be of the same architectural style. The applicant will, therefore, have two or more styles or type of dwelling units containing different floor plans and differing exterior appearances, while maintaining the architectural integrity of the Active Adult Community. Such building designs, in the opinion of the Commission on the City Plan shall be designed to be harmonious in size, appearance, color, material and natural setting. No change may be made in the approved architectural style without the approval of the Commission on the City Plan.

(l) **Recreation Area.** The developer shall provide an area for passive and/or active recreation for the residents of the active adult community. A minimum of ten percent of the total lot area, excluding streets, or 300 square feet per dwelling unit, which ever is greater, shall be provided as usable recreation area.

No part of any sidewalk, driveway required yard, buffer or parking area shall be included as part of any such recreation area. Regulated areas, i.e., wetlands shall not be included within the calculation of recreation areas.

In designing the recreation/open space areas of the Active Adult Community, the applicant shall incorporate in its design varying locations of recreation areas throughout the site and generally proximate to the buildings, the final design to be in consultation with the Planning Department Staff.

(m) **Improvements.** Utilities, streets, and related improvements shall conform to City requirements and design standards. All utilities shall be underground. Sidewalks shall be provided. All streets developed in an Active Adult Community shall be private roads and shall not be public streets in the City of Norwich, and shall be maintained by the Active Adult Community.

(n) **Handicapped Access.** Provisions for the physically handicapped, including wheelchair access; curb cuts and curb inclines for sidewalks; dwelling units expressly designed for the handicapped; building access; and parking space location and other architectural treatment shall be in accordance with the State of Connecticut Basic Building Code, and all applicable Americans with Disabilities Act or other Federal requirements.

(o) **Signs.** Subject to the provisions of Chapter 16 of these regulations, one freestanding permanent sign identifying the Active Adult Community shall be provided at each point of ingress to the development. All freestanding permanent signs shall be located on the site development plan, and shall be described as to area, dimension, height and materials. No lighting, other than indirect spotlighting, shall be permitted. All signs are subject to the review and approval of the Zoning Enforcement Officer. Maximum size shall be limited to thirty-two (32) square feet, have a maximum height of twelve (12) feet, and each sign must be of carved wood or material which has a similar carved appearance. Such sign must be set back from the intersecting street line a minimum of twenty (20) feet within a landscaped island, and shall be illuminated by indirect spot lighting only.

(p) **Site Lighting.** Outdoor lighting shall be provided, to ensure proper and safe illumination of streets, parking areas, recreational areas as required, and walkways, in locations and type as approved by the Commission on the City Plan. Such lighting shall be shielded and directed so that indirect light, falling outside the development, shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. In addition, any outdoor illumination shall not shine directly into any dwelling unit. The applicant shall provide proposed site and building lighting consistent with the architectural elements of the buildings.

(q) **Angle of Light Obstruction.** No building hereafter erected or altered shall extend above an inclined plane established by an angle of light obstruction of 45 degrees along any abutting street, any rear lot line, or any side lot line. Such plane shall be interpreted for the street side as intersecting a horizontal plane at the center line of any point on a wall of the building facing on each such street; for other boundaries, it shall be interpreted as intersecting a horizontal plane at the natural ground level along

the required rear yard line of the adjacent lot to the rear and required side yard line of the adjacent lot to the side at the nearest point on the rear or side wall of the building.

(r) **Solid Waste Disposal.** Any solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, maintained, and shown on the site development plans, but shall not be placed within any buffer or setback area..

(s) **General Site Plan.** Plans showing the proposed development of the site shall be prepared by a licensed land surveyor, as well as a professional engineer or an architect, or both, and ten copies shall be submitted to the Commission on the City Plan for approval pursuant to the provisions of Chapter 17 hereof. Such plans shall show the entire site, the character of the abutting property, together with the on-site location and use of existing and proposed buildings; the on-site location and arrangement of required recreation areas; the topography of the property including contours and the location of existing rock outcroppings, large trees, watercourses, wetlands and major land marks; and the arrangement of buildings, circulation, driveways, sidewalks, planting and any other important features.

It is recommended that the applicant meet with the Planning Staff prior to the submission of an application under this subsection to give the applicant the opportunity to informally discuss the concept and ask any questions the applicant may have in the interest of avoiding delays and extensive revisions after submission.

(t) **Landscape Plan.** A landscape plan, portraying all landscaping elements, shall be submitted with the site development plan application. This plan will be incorporated into the maps comprising the site development plan, and shall be prepared by a qualified landscape professional. The landscaping plan shall include a listing and count of all trees and shrubs to be planted, by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread at maturity. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable. All landscaping elements included on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings. Landscaping shall not obstruct line-of-sight for vehicles entering and exiting the premises, nor shall it unduly obstruct line-of-sight for vehicles entering and leaving either common driveways or other access ways.

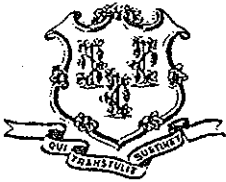
7.6.4 Common Interest Communities: An Active Adult Community shall be a common interest community under the Common Interest Ownership Act of the State of Connecticut.

Purpose: To amend the Zoning Ordinance of the City of Norwich to provide for developments for adults 55 years of age or older which comply with the provisions of

the United States Fair Housing Act, as amended, the Housing for Older Persons Act of 1995 and Federal Law.

Submitted by: Mayor Benjamin Lathrop, by request

B



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT INTERGOVERNMENTAL POLICY DIVISION

April 21, 2008

Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Bill Finch
The Honorable Antonio (Tony) Guerrera
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32 of the Connecticut General Statutes, the Office of Policy and Management (OPM) is providing notice to the Continuing Legislative Committee on State Planning and Development that it is in receipt of an application for an interim change to the Locational Guidemap of the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*, submitted by Norwichtown Development, LLC. The applicant is requesting the reclassification of approximately 40 acres of land that are currently classified Rural Lands to Neighborhood Conservation, in the City of Norwich. The applicant is making this request primarily to facilitate the running of public water and sewer to this area.

In accordance with the recent actions of the Legislative Regulation Review Committee, OPM is seeking written approval from the Continuing Committee prior to initiating this proposed revision to the C&D Plan.

If the Continuing Committee directs OPM to undertake the revision process, OPM will process the application in accordance with its regulations.

Sincerely,

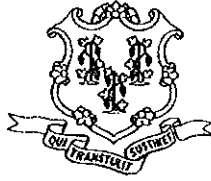
A handwritten signature in black ink, appearing to read "W. David LeVasseur".

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Attachment: Interim Change application, Norwichtown Development, LLC

State Of Connecticut

GENERAL ASSEMBLY



PLANNING AND
DEVELOPMENT COMMITTEE
ROOM 2100
LEGISLATIVE OFFICE BUILDING
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0550

May 19, 2008

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division
Office of Policy and Management
450 Capitol Avenue, -MS# 54SLP
Hartford, Connecticut 06106-1379

Dear Undersecretary LeVasseur:

The Continuing Legislative Committee on State Planning and Development is in receipt of your letter dated April 29, 2008. Thank you for notifying us that the Office of Policy and Management has in its possession an application from Norwichtown Development, LLC. for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010* as it pertains to the City of Norwich.

In accordance with Section 16a-32(b) of the Connecticut General Statutes, the Continuing Legislative Committee on State Planning and Development hereby grants approval for the Office of Policy and Management to undertake the interim change process with regard to the current application from Norwichtown Development, LLC.

Thank you for your attention to this matter. As always, please feel free to contact us at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric D. Coleman".

Eric D. Coleman
State Senator
2nd District

A handwritten signature in black ink, appearing to read "Art Feltman".

Art Feltman
State Representative
6th District

Cc: Jeff Smith, Planning Specialist, Intergovernmental Policy Division, Office of Policy and Management

D



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT INTERGOVERNMENTAL POLICY DIVISION

May 27, 2008

Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Bill Finch
The Honorable Antonio (Tony) Guerrera
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

This office has received an application from Norwichtown Development, LLC. for an interim change to the *Conservation and Development Policies Plan for Connecticut* in the City of Norwich. The request is to change the state plan's Locational Guide Map in one area in the northern portion of town from a Rural Lands to Neighborhood Conservation designation. A copy of the application materials is attached. Also attached, for your information, is a copy of the Statewide Plan Locational Guide Map for Norwich with the site area identified.

Pursuant to state regulations, the City of Norwich is afforded the opportunity to request a public hearing on this matter within twenty (20) calendar days from receipt of notification from this office that an application has been received (see attached). If requested, OPM would schedule such a hearing at the earliest convenient date. The hearing would be held jointly by the Continuing Committee and OPM.

Within ten calendar days following a public hearing, or ten days following the town's waiver of this option, OPM must make a recommendation on the application to the Continuing Legislative Committee on State Planning and Development. The Continuing Committee then has thirty days in which to render its decision regarding the application.

Sincerely,

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Attachments

Cc: Senator Edith Prague, 19th Senate District
Bill Hogan, DEP
Benjamin P. Lathrop, Mayor
Peter Davis, Director of Planning & Neighborhood Services
Alan Bergren, City Manager
James Butler, Southeastern Connecticut Council of Governments

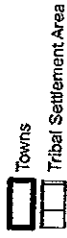
Phone: (860) 418-6484 Fax: (860) 418-6493
450 Capitol Avenue-MS# 54SLP Hartford, Connecticut 06106-1379



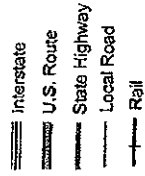
Conservation and Development Policies Plan for Connecticut 2005-2010

Locational Guide Map

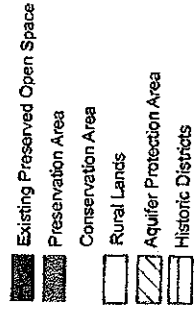
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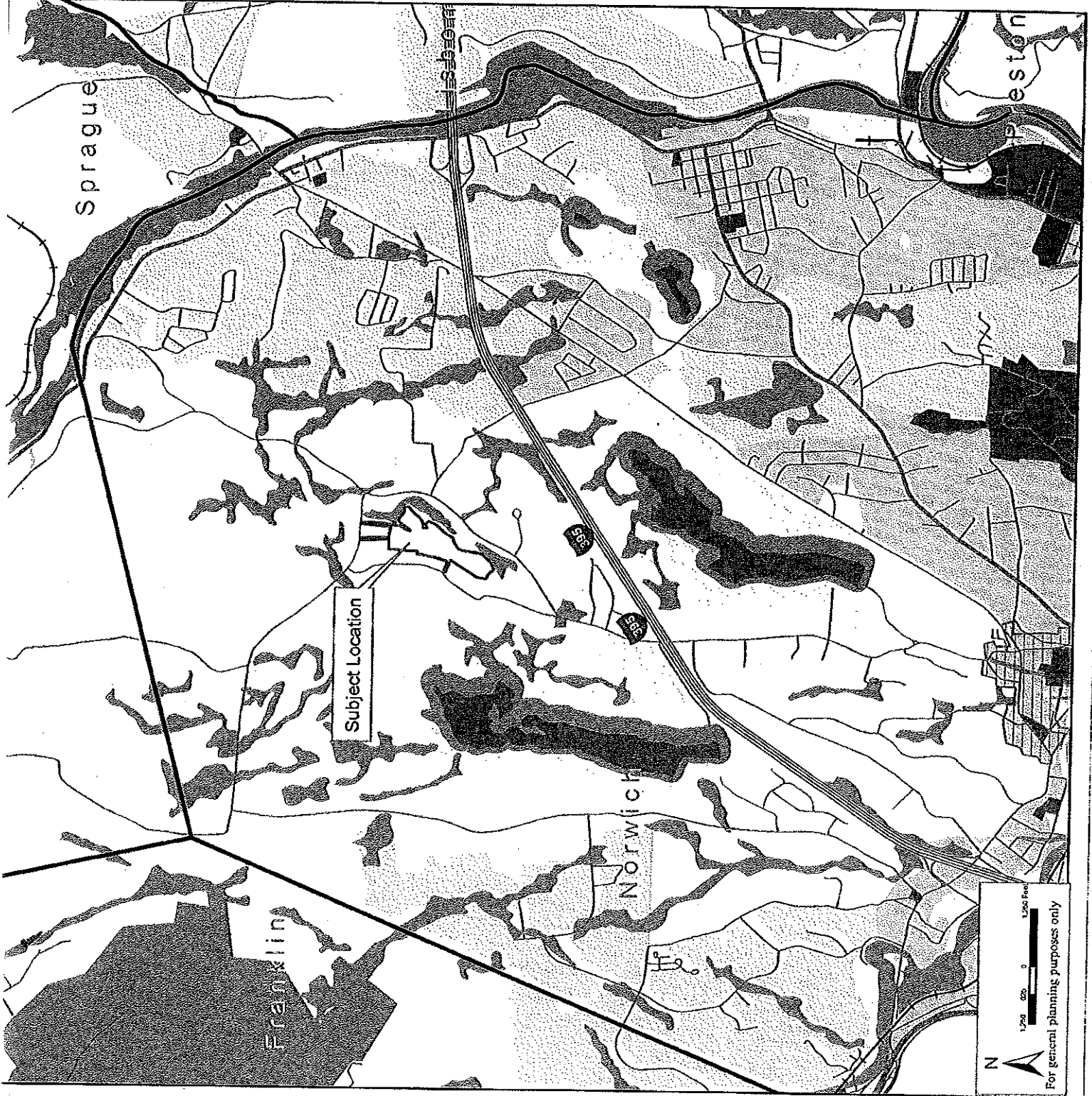
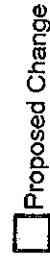
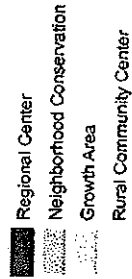
Streets



Conservation Policies



Development Policies



MURTHA CULLINA LLP

A T T O R N E Y S A T L A W

GREGORY A. SHARP
(860) 240-6046 DIRECT TELEPHONE
(860) 240-5846 DIRECT FACSIMILE
GSHARP@MURTHALAW.COM

CITYPLACE I
185 ASYLUM STREET
HARTFORD, CONNECTICUT 06103-3469

TELEPHONE (860) 240-6000
FACSIMILE (860) 240-6150
www.murthalaw.com

April 15, 2008

RECEIVED

APR 17 2008

OPM / ICP DIVISION
UNDERSECRETARY OFFICE

Robert L. Genuario, Secretary
Office of Policy and Management
State of Connecticut
450 Capitol Avenue
Hartford, CT 06106-1379

Re: Interim Amendment to Locational Map for Conservation
and Development Policies Plan for Connecticut, 2005-2010.

Dear Secretary Genuario:

I am writing on behalf of Norwichtown Development, LLC to request an interim amendment to the Locational Map for Norwich incorporated in the Conservation and Development Policies Plan for Connecticut, 2005-2010 ("State Plan"), pursuant to Section 16a-32(b)(2) of the Connecticut General Statutes.

The applicant is the owner of property bounded by Scotland Road on the East, Hansen Road on the West and Plain Hill Road on the North in Norwich. As required by Section 16a-24b-2 of the Regulations of Connecticut State Agencies, I am submitting this application in triplicate with supporting documentation consisting of:

- 1) the required depiction of the land area proposed to be changed outlined on a U.S. Geological Survey topographic series map at a scale of 1:24,000 (1"-2,000') and identified as Area 1; and
- 2) two supplemental drawings at a more detailed scale showing a) the existing designations and development in the area of the property, identified as Scotland and Hansen Roads Site Development Area ("Site Development Area Map"), and b) the location of the property with respect to existing sewer and water service, identified as Scotland & Hansen Roads Area Overview ("Area Overview Map").

BOSTON

HARTFORD

NEW HAVEN

STAMFORD

WOBURN

Robert L. Genuario, Secretary
April 15, 2008
Page 2

The property is approximately 59.9 acres in size with a recorded conservation easement covering the easterly one-third of the property along Scotland Road. The remainder of the parcel, which is the subject of this application, is classified Rural Land under the State Plan, and the applicant wishes to have it designated as Neighborhood Conservation, which is consistent with the existing residential land use of the properties abutting the parcel to the west and north along Hansen and Plain Hill Road, its proximity to I-395 and the large areas of land classified as Growth Area or Neighborhood Conservation immediately adjacent to I-395. See Site Development Area Map.

The parcel in question is in an R-80 zone, but under Section 7.6 of the Special Regulations of the Norwich Zoning Ordinance ("Special Regulations") applicable to Active Adult Communities, the property is eligible for development at a greater density if its use is restricted to an Active Adult Community, and it exceeds 10 acres. See Section 7.6.4.(a)(2) of the Special Regulations attached.

One of the requirements for development of the property under Section 7.6 is that the property be connected to public water and sewer, which is inconsistent with the current land use classification imposed on the property by the State Plan, which is designated as Rural Land. As you are aware, the overall policy contained in the State Plan for Rural Land is to "protect the rural character of these areas by avoiding development forms and intensities that exceed on-site carrying capacity for water supply and sewage disposal, except where necessary to resolve localized public health concerns."

By contrast, the Neighborhood Conservation Area, which is the classification the applicant seeks, is designed to "promote infill development in areas that are at least 80% built up and have existing water, sewer and transportation infrastructure to support such development."

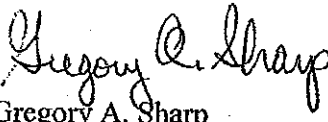
As you can see from the Site Development Area Map, the Area 1 parcel is proximate to I-395 and extensive areas of classified as Growth Areas or Neighborhood Conservation which are served by the requisite utilities. Reclassification of the property is unlikely to have an adverse impact on the small area of Rural Land along Lawler Lane between the Growth Area and Area 1.

The applicant seeks an amendment of the State Plan Locational Map for Norwich to amend the classification of his property from Rural Land to Neighborhood Conservation and, for the foregoing reasons, respectfully requests the Secretary to grant the change.

Robert L. Genuario, Secretary
April 15, 2008
Page 3

While I will allow the municipal officials to speak for themselves through the amendment process, it is my understanding that my client and his engineer have spoken informally to staff of various departments in the City of Norwich and have been encouraged to pursue this application with your agency.

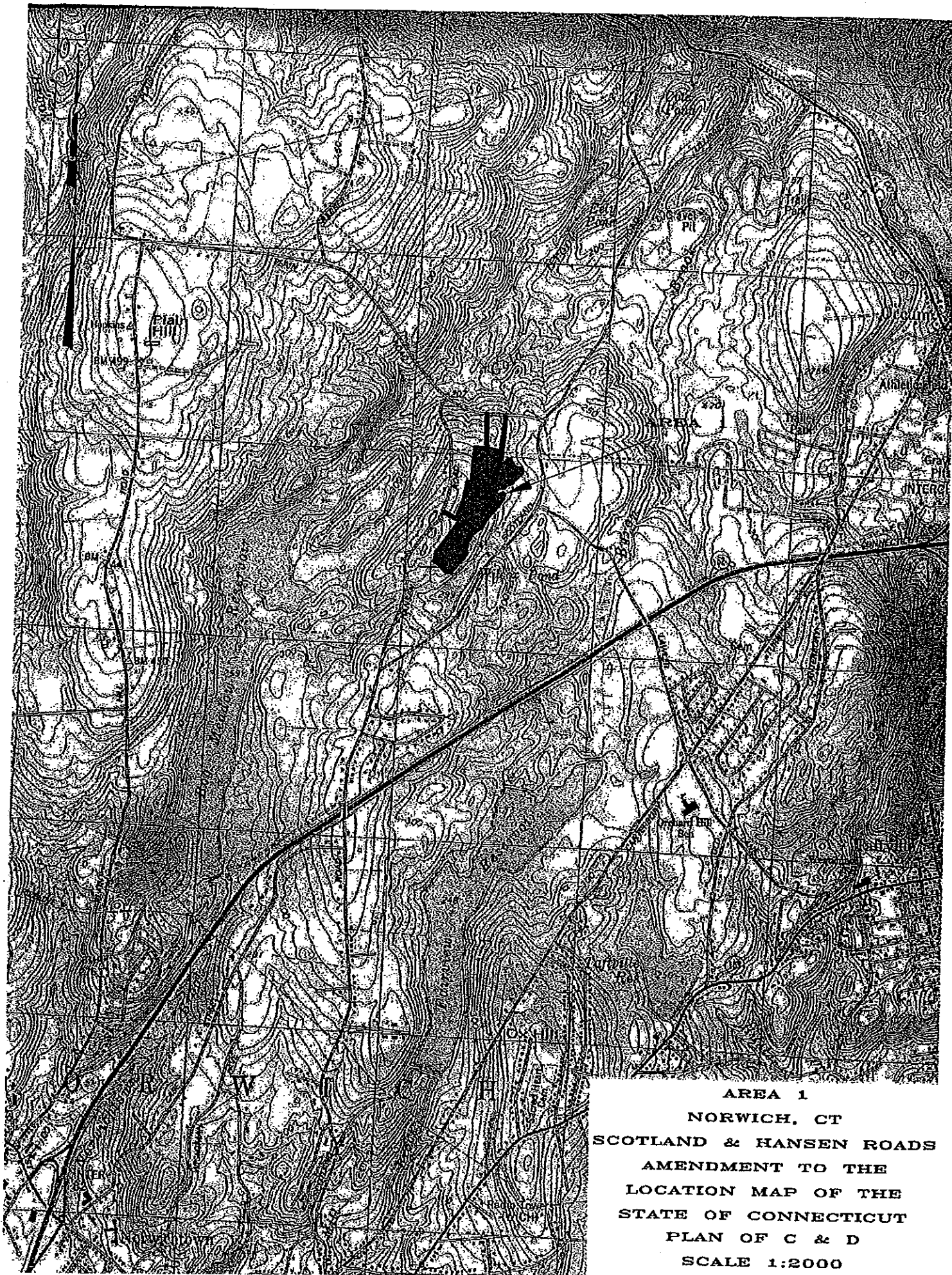
Very truly yours,


Gregory A. Sharp

Enclosures:






U.S.G.S. Quadrangle Map
Two Drawings
Zoning Regulations

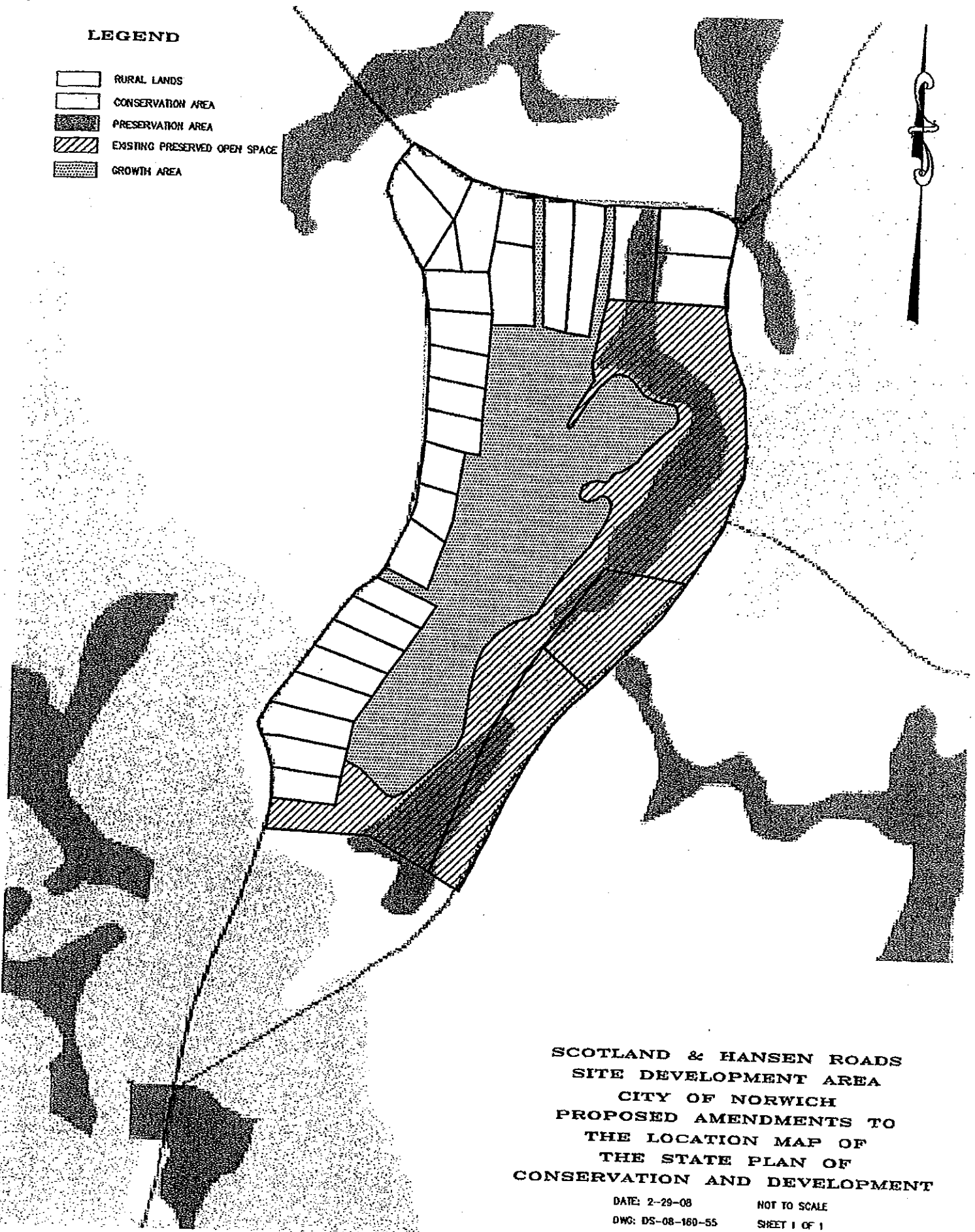
cc: Mr. Frank Donner
Pat Lafayette, P.E.



AREA 1
NORWICH, CT
SCOTLAND & HANSEN ROADS
AMENDMENT TO THE
LOCATION MAP OF THE
STATE OF CONNECTICUT
PLAN OF C & D
SCALE 1:2000

LEGEND

-  RURAL LANDS
-  CONSERVATION AREA
-  PRESERVATION AREA
-  EXISTING PRESERVED OPEN SPACE
-  GROWTH AREA



SCOTLAND & HANSEN ROADS SITE DEVELOPMENT AREA CITY OF NORWICH PROPOSED AMENDMENTS TO THE LOCATION MAP OF THE STATE PLAN OF CONSERVATION AND DEVELOPMENT







DATE: 2-29-08

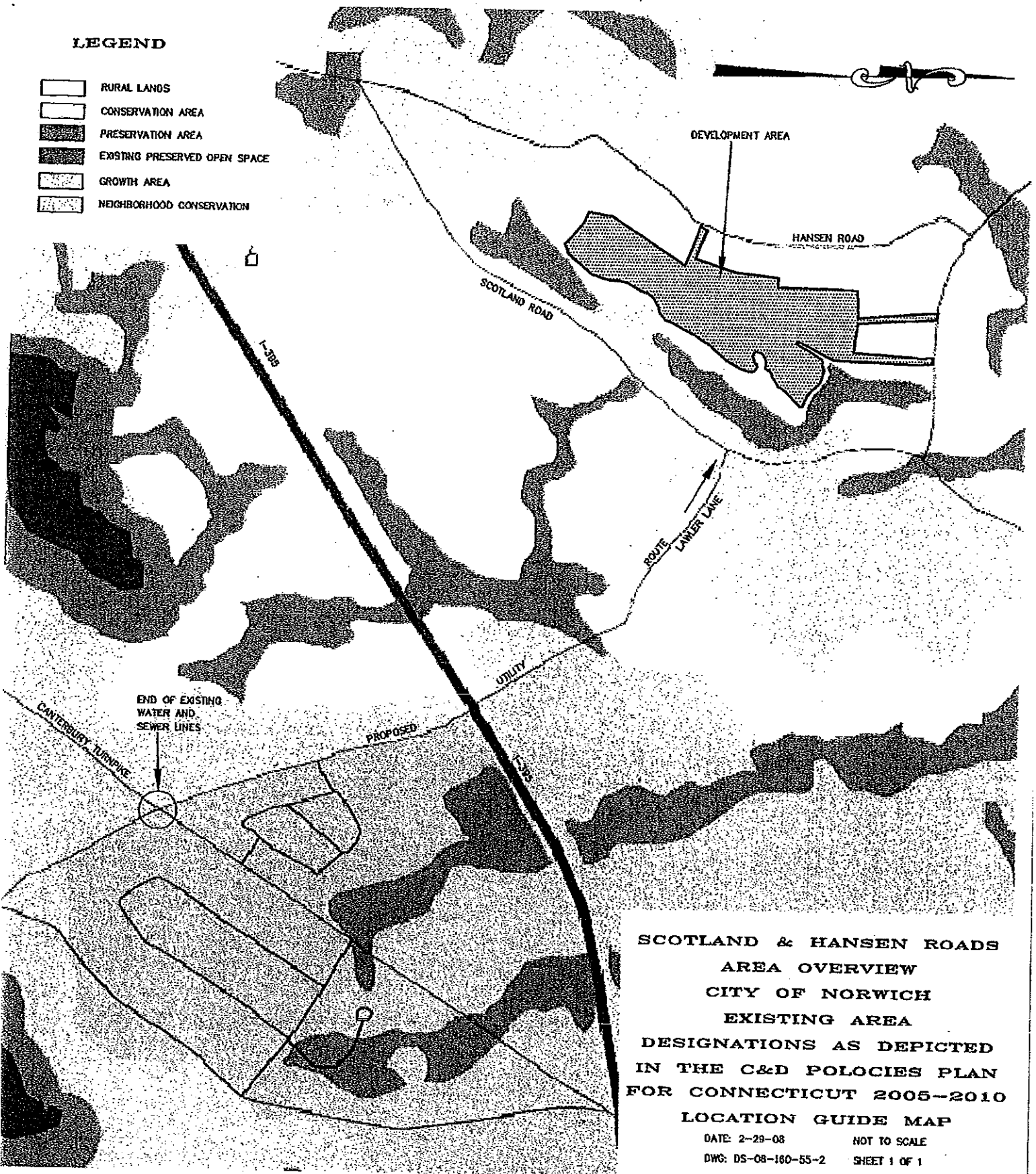
NOT TO SCALE

DWG: DS-08-160-55

SHEET 1 OF 1

LEGEND

-  RURAL LANDS
-  CONSERVATION AREA
-  PRESERVATION AREA
-  EXISTING PRESERVED OPEN SPACE
-  GROWTH AREA
-  NEIGHBORHOOD CONSERVATION



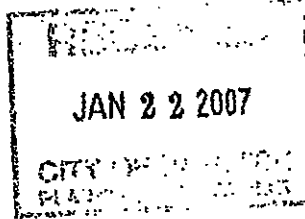
SCOTLAND & HANSEN ROADS
 AREA OVERVIEW
 CITY OF NORWICH
 EXISTING AREA
 DESIGNATIONS AS DEPICTED
 IN THE C&D POLICIES PLAN
 FOR CONNECTICUT 2005-2010
 LOCATION GUIDE MAP

DATE: 2-29-08

NOT TO SCALE

DWG: DS-08-180-55-2

SHEET 1 OF 1



ORDINANCE 1560
ADOPTED 1/16/2007
PUBLISHED 1/19/2007

AN ORDINANCE AMENDING CHAPTER 7. SPECIAL REGULATIONS OF THE NORWICH ZONING ORDINANCE BY ADDING SECTION 7.6 ACTIVE ADULT COMMUNITIES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH: that Chapter 7. Special Regulations of the Norwich Zoning Ordinance be amended by adding Section 7.6 Active Adult Communities as follows:

Sec. 7.6 Active Adult Communities

7.6.1. Intent. The intent of this section is to provide for developments for adults 55 years of age or older which shall be known as Active Adult Communities and shall fully comply with the provisions of the United States Fair Housing Act, as amended, (42 USC Sec 3601, et. seq.), The Housing for Older Persons Act of 1995, 242 CFR Section 100.304, as amended, and in accordance with Federal law.

7.6.2 Application Procedure. All applications for Active Adult Communities shall be subject to special permit review in accordance with Section 17.2 of these regulations. In addition to the notice required under Section 17.2.2, additional notice shall be given by certified mail by the applicant or property owner to owners of any property within 500 feet of the proposed Active Adult Community.

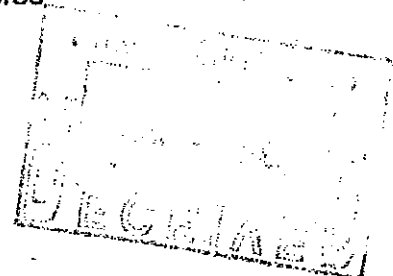
7.6.3. Permitted Active Adult Community Uses. The only permitted use within the Active Adult Community shall be single family detached, two-family and multi-family attached dwellings (high rise or garden apartments), as well as accessory uses (e.g., garages and community rooms), as determined and approved by the Commission on the City Plan which are intended and designed for the maintenance and/or operation of the Active Adult Community and/or the use of its residents.

7.6.4 Schedule of Parcel and Building Requirements for Active Adult Communities.. No parcel shall be used and no building shall be erected in Active Adult Community except in conformance with the following requirements:

(a) **Parcel Area.** The minimum area for a parcel or parcels to be used for an Active Adult Community shall be:

- (1) R-20 Residence District - not less than 10 acres.
- (2) R-40 Residence District - not less than 10 acres
- (3) R-80 Residence District - not less than 10 acres
- (4) MF Multifamily District - not less than 5 acres.

NATURE SAVER™ FAX MEMO 01616		Date 10/5	# of pages 6
To Pat	From Harne		
Co./Dept.	Co.		
Phone #	Phone # 823-3116		
Fax # 204-0652	Fax #		



- (b) **Density Standards.** Density standards for an Active Adult Community shall be no more than 8 units per acre.
- (c) **Building Height Requirements.** Notwithstanding Section 1.9 of these regulations, buildings within an Active Adult Community shall not exceed 40', which shall be measured from the highest adjacent grade. As used herein, "adjacent grade" shall mean the highest grade height located at the building corners.
- (d) **Minimum Distances Between Buildings.** The minimum distance between active adult residence dwellings on the same parcel shall be no less than 10 feet.
- (e) **Yard Requirements.** Minimum set back requirements for the parcel shall be in accordance with the following schedule: front yards, 50 feet; side yards, 50 feet and rear yards 50 feet.
- (f) **Lot Coverage.** The total area of all roofed structures on a lot shall not exceed 25 percent of the lot area.
- (g) **Off-Street Parking Requirements.** Off-street parking space shall be provided at the rate of 1½ spaces per dwelling unit. If site conditions permit, the Applicant shall incorporate an indoor garage for each single family detached and 2 family attached dwelling unit. Applicant shall consult with the City Planner and City Engineer concerning this requirement.
- (h) **Sanitary Requirements.** All such buildings shall be connected to public water and public sanitary sewerage systems, or private sewerage systems which meet the minimum requirements of local and state departments of health.
- (i) **Landscaping Requirements.** A landscaped buffer strip, at least 20 feet wide, seeded to grass or mulched and planted with evergreen trees and shrubs a minimum of six (6) feet in height at time of planting and capable at all times of the year of satisfactorily obscuring sight, sound and illumination from adjacent property, shall be placed along the boundary line of any rear, side or front yard. Said buffer shall be increased by 1 foot for each foot that any building exceeds 25 feet in height. This requirement may be altered by the Commission on the City Plan when conditions so warrant, to be in harmony with the intent to effectively screen the building and vehicular parking from adjacent residences.

(j) **Minimum Floor Areas.** Single-family, two-family and multi-family active adult residence dwellings shall comply with the following express conditions:

- (1) The minimum floor area for a single-family Active Adult Community unit containing one bedroom shall be 1,000 square feet.
- (2) The minimum floor area for a single-family Active Adult Community unit containing two bedrooms shall be 1,200 square feet.
- (3) The minimum floor area for a two-family or multi-family Active Adult Community unit containing one bedroom shall be 1,000 square feet.
- (4) The minimum floor area for a two-family or multi-family Active Adult Community unit containing two bedrooms shall be 1,200 square feet.

(k) **Architectural Design Considerations:** There shall be submitted with each application for an Active Adult Community a floor plan for each type or style for each dwelling unit. It is the intent of this section that all buildings within the Active Adult Community not be of the same architectural style. The applicant will, therefore, have two or more styles or type of dwelling units containing different floor plans and differing exterior appearances, while maintaining the architectural integrity of the Active Adult Community. Such building designs, in the opinion of the Commission on the City Plan shall be designed to be harmonious in size, appearance, color, material and natural setting. No change may be made in the approved architectural style without the approval of the Commission on the City Plan.

(l) **Recreation Area.** The developer shall provide an area for passive and/or active recreation for the residents of the active adult community. A minimum of ten percent of the total lot area, excluding streets, or 300 square feet per dwelling unit, whichever ever is greater, shall be provided as usable recreation area.

No part of any sidewalk, driveway required yard, buffer or parking area shall be included as part of any such recreation area. Regulated areas, i.e., wetlands shall not be included within the calculation of recreation areas.

In designing the recreation/open space areas of the Active Adult Community, the applicant shall incorporate in its design varying locations of recreation areas throughout the site and generally proximate to the buildings, the final design to be in consultation with the Planning Department Staff.

(m) **Improvements.** Utilities, streets, and related improvements shall conform to City requirements and design standards. All utilities shall be underground. Sidewalks shall be provided. All streets developed in an Active Adult Community shall be private roads and shall not be public streets in the City of Norwich, and shall be maintained by the Active Adult Community.

(n) **Handcapped Access.** Provisions for the physically handicapped, including wheelchair access; curb cuts and curb inclines for sidewalks; dwelling units expressly designed for the handicapped; building access; and parking space location and other architectural treatment shall be in accordance with the State of Connecticut Basic Building Code, and all applicable Americans with Disabilities Act or other Federal requirements.

(o) **Signs.** Subject to the provisions of Chapter 16 of these regulations, one freestanding permanent sign identifying the Active Adult Community shall be provided at each point of ingress to the development. All freestanding permanent signs shall be located on the site development plan, and shall be described as to area, dimension, height and materials. No lighting, other than indirect spotlighting, shall be permitted. All signs are subject to the review and approval of the Zoning Enforcement Officer. Maximum size shall be limited to thirty-two (32) square feet, have a maximum height of twelve (12) feet, and each sign must be of carved wood or material which has a similar carved appearance. Such sign must be set back from the intersecting street line a minimum of twenty (20) feet within a landscaped island, and shall be illuminated by indirect spot lighting only.

(p) **Site Lighting.** Outdoor lighting shall be provided, to ensure proper and safe illumination of streets, parking areas, recreational areas as required, and walkways, in locations and type as approved by the Commission on the City Plan. Such lighting shall be shielded and directed so that indirect light, falling outside the development, shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. In addition, any outdoor illumination shall not shine directly into any dwelling unit. The applicant shall provide proposed site and building lighting consistent with the architectural elements of the buildings.

(q) **Angle of Light Obstruction.** No building hereafter erected or altered shall extend above an inclined plane established by an angle of light obstruction of 45 degrees along any abutting street, any rear lot line, or any side lot line. Such plane shall be interpreted for the street side as intersecting a horizontal plane at the center line of any point on a wall of the building facing on each such street; for other boundaries, it shall be interpreted as intersecting a horizontal plane at the natural ground level along

the required rear yard line of the adjacent lot to the rear and required side yard line of the adjacent lot to the side at the nearest point on the rear or side wall of the building.

(r) **Solid Waste Disposal.** Any solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, maintained, and shown on the site development plans, but shall not be placed within any buffer or setback area..

(s) **General Site Plan.** Plans showing the proposed development of the site shall be prepared by a licensed land surveyor, as well as a professional engineer or an architect, or both, and ten copies shall be submitted to the Commission on the City Plan for approval pursuant to the provisions of Chapter 17 hereof. Such plans shall show the entire site, the character of the abutting property, together with the on-site location and use of existing and proposed buildings; the on-site location and arrangement of required recreation areas; the topography of the property including contours and the location of existing rock outcroppings, large trees, watercourses, wetlands and major land marks; and the arrangement of buildings, circulation, driveways, sidewalks, planting and any other important features.

It is recommended that the applicant meet with the Planning Staff prior to the submission of an application under this subsection to give the applicant the opportunity to informally discuss the concept and ask any questions the applicant may have in the interest of avoiding delays and extensive revisions after submission.

(t) **Landscape Plan.** A landscape plan, portraying all landscaping elements, shall be submitted with the site development plan application. This plan will be incorporated into the maps comprising the site development plan, and shall be prepared by a qualified landscape professional. The landscaping plan shall include a listing and count of all trees and shrubs to be planted, by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread at maturity. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable. All landscaping elements included on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings. Landscaping shall not obstruct line-of-sight for vehicles entering and exiting the premises, nor shall it unduly obstruct line-of-sight for vehicles entering and leaving either common driveways or other access ways.

7.6.4 Common Interest Communities: An Active Adult Community shall be a common interest community under the Common Interest Ownership Act of the State of Connecticut.

Purpose: To amend the Zoning Ordinance of the City of Norwich to provide for developments for adults 55 years of age or older which comply with the provisions of

P-3
the United States Fair Housing Act, as amended, the Housing for Older Persons Act of 1995 and Federal Law.

Submitted by: Mayor Benjamin Lathrop, by request



CITY OF NORWICH
Department of Planning & Development
23 Union St.
Norwich, CT 06360
(860) 823-3766

Peter W. Davis
Director

Michael Schaefer
City Planner

June 2, 2008

Tyler J. Kleykamp
Lead Planning Analyst
State of Connecticut
Office of Policy & Management
450 Capitol Avenue, MS# 54ORG
Hartford, CT 06106-1379

Subject: Norwichtown Development, LLC: Request for Interim Change to State POCD

Dear Mr. Kleykamp:

I have reviewed the subject letter of May 27, 2008 and have determined that we do not have a need to request a joint public hearing on the matter.

Accordingly, the City will waive the right to a public hearing in order to expedite the process. If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter W. Davis".

Peter W. Davis, AICP
Director

RECEIVED

JUN 04 2008

OPM / IGP DIVISION
UNDER SECRETARY OFFICE



CITY OF NORWICH
Department of Planning & Development
23 Union St.
Norwich, CT 06360
(860) 823-3766

Peter W. Davis
Director

Michael Schaefer
City Planner

June 2, 2008

Tyler J. Kleykamp
Lead Planning Analyst
State of Connecticut
Office of Policy & Management
450 Capitol Avenue, MS# 54ORG
Hartford, CT 06106-1379

Subject: Norwichtown Development, LLC: Request for Interim Change to State POCD

Dear Mr. Kleykamp:

I have requested that Planning Director Peter Davis contact you on my behalf in order to inform you that I do not see a need to hold a joint public hearing on the above matter. I appreciate your correspondence of May 27, 2008 explaining the details of the process.

I am in support of the City requesting a waiver of the right to a public hearing in order to expedite the process. If you have any questions, please contact me directly.

Respectfully,

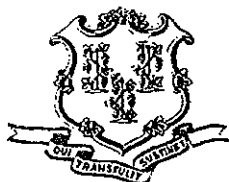
Ralph Page
Ralph Page, Chairman
Commission on the City Plan

RECEIVED

JUN 04 2008

OPM / IGP DIVISION
UNDERSECRETARY OFFICE

G



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT INTERGOVERNMENTAL POLICY DIVISION

June 9, 2008

Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio (Tony) Guerrero
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Section 16a-32-5 of the Regulations of Connecticut State Agencies, the Office of Policy and Management (OPM) hereby submits its Findings and Recommendations on the Norwichtown Development, LLC application for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*.

Under State statutes, the Continuing Committee has thirty (30) days from receipt of OPM's recommendation to act on the proposed interim change application. My staff and I are available to meet with you at your convenience during this period, if you should have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. David LeVasseur".

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Cc: Senator Edith Prague, 19th Senate District
Bill Hogan, DEP
Peter Davis, Director of Planning & Neighborhood Services
Alan Bergren, City Manager
Benjamin P. Lathrop, Mayor
Gregory A. Sharp, Murtha Cullina LLP
James Butler, Southeastern Connecticut Council of Governments

Findings and Recommendations

Norwichtown Development, LLC.

Request for an Interim Change to the Locational Guide Map Conservation and Development Policies Plan for Connecticut, 2005-2010

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Sections 16a-32-1-6 of the Regulations of Connecticut State Agencies, Norwichtown Development, LLC requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan (C&D Plan).

Norwichtown Development LLC., requests that the C&D Plan designation for a 59.9-acre parcel bounded by Scotland Road on the East, and Hansen Road to the West, be changed from "Rural" to "Neighborhood Conservation" (see attached maps). In accordance with state regulations, the City of Norwich was afforded the opportunity to request a joint public hearing with OPM and the Continuing Committee regarding this application. The City opted to waive its right to a public hearing.

Background

The request is a result of Norwichtown Development's desire to develop an "Active Adult Community" on the subject property. The easterly third of the property, adjacent to Scotland Road is subject to a recorded conservation easement and is not part of the requested change in designation. The current zoning designation is R-80, which according to the City's zoning regulations requires an 80,000 square foot minimum lot size (approximately 1.8 acres) or 0.5 units per acre. The applicant has indicated that under Special Regulations the property would be eligible for development of a greater density if its use were restricted to an "Active Adult Community." The Density Standards for an Active Adult Community would allow up to 8 units per acre.

The applicant asserts that in order to facilitate this development it is necessary to extend public water and sewer to this parcel. The current Rural Lands designation would prohibit the use of state funds supporting the introduction of such infrastructure to this area. Thus, the applicant is requesting a change to a Neighborhood Conservation designation whereby the extension of infrastructure would be consistent with the C&D plan.

Recommendation

OPM recommends that the Continuing Committee **not** approve Norwichtown Development's request to change the sites' C&D designation from "Rural" to "Neighborhood Conservation." In order to provide this site with access to public water and sewer, it would require the extension of public water and sewer approximately 5,000 feet. Nearly 2,500 feet of this would go through areas designated as Rural and Conservation areas, which are not addressed in this application, before reaching the subject property. OPM's concern is that such an extension would facilitate further intensive development in these areas that are not subject to a change under this

application. In doing so, the potential exists for further requests for changes to the C&D Plan's Locational Guidemap requiring the action of OPM and the Continuing Committee.

In addition to potential impacts on other areas, OPM questions the necessity for the change at this time. The applicant indicates that the City's zoning regulations require that Active Adult Communities be connected to public water and sewer. However, Section 7.6.4(h) of the Norwich zoning ordinance states:

"Sanitary Requirements. All such buildings shall be connected to public water and sanitary sewerage systems, or private sewerage systems which meet the requirements of local and state department of health."

OPM is not aware if the applicant has investigated the potential of on-site alternatives for water and sewer in this area such as a community septic system or alternative treatment technologies. The use of such technologies, when constructed properly, can provide for the type of development density the applicant seeks. Such alternatives could negate the need to extend public utilities to the subject parcel, yet still accommodate cluster type or "Conservation Development" techniques that are supported in the C&D Plan for Rural Lands.

The City of Norwich has waived its right to a public hearing with regard to this application. As a result, OPM must make this recommendation based solely on the information presented by the applicant. OPM is not aware of any previous approvals issued at the local level, including a willingness or capacity to service this area with public water and sewer. Further OPM is not aware of any measures that may be in place to limit development densities that may be achieved in the additional areas not subject to this application, through the introduction of this infrastructure. Similarly, OPM is not aware of any provisions for open space preservation or "Conservation Development" techniques that may be planned on site. The City's plan of conservation development does encourage development of elderly housing yet also encourages the maintenance of low-density development within this particular area (known as the "Plain Hill" area). Additionally, the plan suggests that subdivision design should be done in accordance with the natural carrying capacity of the land, which is consistent with the current designation of Rural Lands.

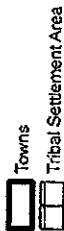
In light of these issues, OPM recommends that this area remain designated as Rural Lands. There are significant areas in Norwich designated for growth where the use of state funding for infrastructure and development of this nature would be more appropriate. Neighborhood Conservation areas are typically already developed, dense residential areas with existing infrastructure. Generally, state policy for these areas is to promote infill development where the infrastructure to support it exists. Considering the low-density zoning of the area, OPM believes a change from Rural to Neighborhood Conservation would not be appropriate for this area.

Norwichtown Development, LLC Proposed Interim Change

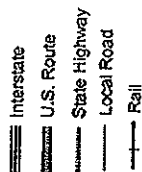


Conservation and Development
Policies Plan for Connecticut
2005-2010
Locational Guide Map

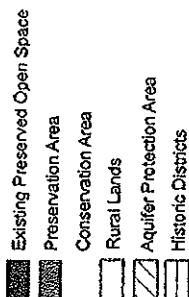
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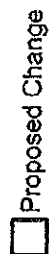
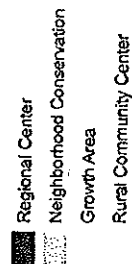
Streets



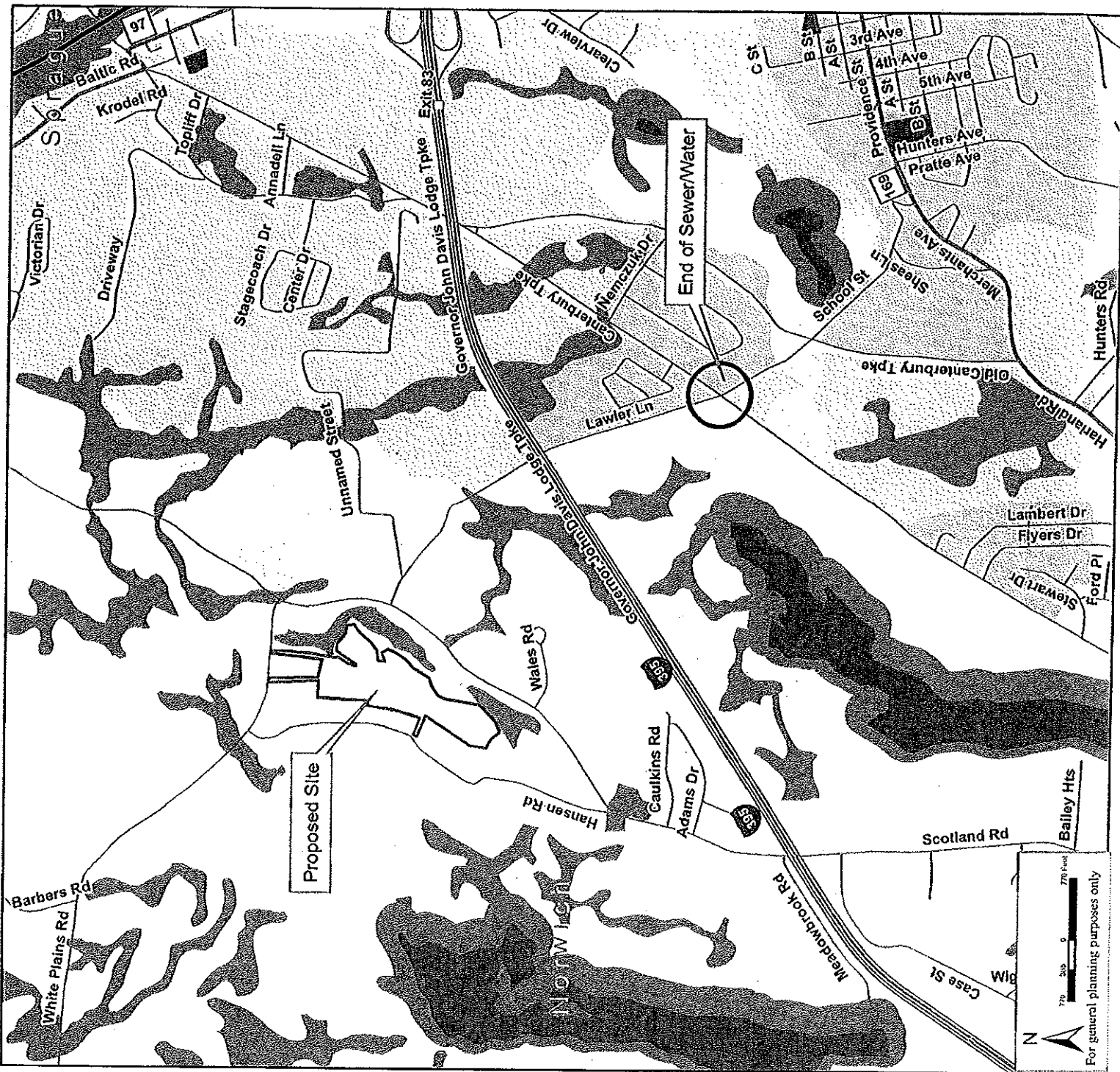
Conservation Policies



Development Policies



June, 2008



MURTHA CULLINA LLP

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July 1, 2008

Members of the Continuing Legislative Committee On State Planning and Development:

The Honorable Eric D. Coleman ~
The Honorable Art Feltman ~
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano •
The Honorable Craig A. Miner •
The Honorable Joseph J. Crisco, Jr.
✓ The Honorable Antonio (Tony) Guerrero
The Honorable Jack Malone
The Honorable Richard Roy
Room 2100
Legislative Office Building
Hartford, CT 06106

Dear Senators and Representatives:

I am writing on behalf of Norwichtown Development LLC to respond to Findings and Recommendations from the Office of Policy and Management ("OPM") submitted to the Committee on June 9, 2008 on my client's request for an interim change to the Locational Guide Map of the Conservation and Development Policies Plan for Connecticut, 2005-2010.

As set forth in the Findings, the City of Norwich ("City") waived its opportunity for a hearing on this application, and my client was not aware of any concerns that OPM had on the application until the agency's June 9 letter.

The application proposes a change to the Locational Guide Map from Rural to Neighborhood Conservation for approximately 40 acres of a 60 acre parcel. The remaining 20 acres is already subject to a recorded conservation easement.

The Locational Guide Map amendment is requested to allow municipal sewers and water to serve a proposed active adult community at the site, which the City of Norwich has encouraged through the adoption of special regulations providing for density bonuses. The City has indicated its ability and willingness to provide such services. See Attached Letter.

OPM has raised two objections to the application.

BOSTON

HARTFORD

NEW HAVEN

STAMFORD

WOBURN

MURTHA CULLINA LLP

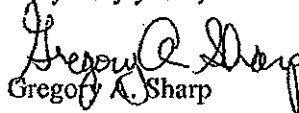
Members of the Continuing Legislative Committee
on State Planning and Development
July 1, 2008
Page 2

The first is a concern that the extension of sewers to serve the project would subject other areas along the route of the sewer designated as Rural and Conservation, which are not part of the application, to similar requests for changes. The short answer to this objection is that site conditions require that the sewer connecting the project to the existing system must be a force main, which means sewage from the project will be pumped under pressure to the existing system. As a result, other properties along its route will not be able to access the sewer. This fact makes the concern about secondary development moot. In addition, much of the land along the sewer route is wetlands which are tributary to the Fairview Reservoir and are unlikely to be developed.

The second objection is based on OPM's suggestion that a community septic system or alternative treatment system might provide for an on-site solution to allow the density allowed by the regulations. In connection with prior unsuccessful development proposals, extensive soil testing was performed to evaluate the suitability of site soils, and although the soils data indicated that the site could support septic systems for 24 homes, most would have required engineered systems due to mottling, ledge, water table, etc. At the densities provided by the Special Regulations, on-site septic is not a realistic option, because it would require the septic systems to extend into the regulated area around the wetlands at the site, which would not likely receive the approval of the Norwich inland wetlands and watercourses agency. Moreover, to serve the project with water on-site wells at the density provided by the Special Regulations, two wells would be required to withdraw water at a rate of 30-40 gallons per minute, which could impact abutting property wells and the wetland system at the site. Accordingly, on-site septic and wells are not realistic solutions to serve the project.

My client appreciates the opportunity to provide this information to the Standing Committee and requests that the Committee approve its request.

Very truly yours,


Gregory A. Sharp

Enclosure

cc: Senator Edith Prague, 19th Senate District
Bill Hogan, DEP
Peter Davis, Director of Planning & Neighborhood Services
Allen Bergren, City Manager
Benjamin P. Lathrop, Mayor
James Butler, Southeastern Connecticut Council of Governments
David Lavoisier, Undersecretary, Office of Policy and Management



**Norwich
Public Utilities**

April 30, 2008

Mr. Peter Davis
Director of Planning and Development
City of Norwich
Norwich City Hall
Norwich, CT 06360

Re: Wilcox Estates

Dear Peter,

Please be advised that Norwich Public Utilities has adequate water, sewer, natural gas, and electric capacity available to service the active adult community proposed for the Wilcox Sawmill site.

Please contact me with any additional questions you may have regarding this matter at 860-823-4192.

Sincerely,


John Bilda
General Manager

JFB/mla

Norwich
CONNECTICUT
NOW!

16 South Golden Street • Norwich, CT 06360 • 860-887-2555 • Fax 860-823-4172

McCaffrey, Linnea

From: Daigle, Ben [Ben.Daigle@cga.ct.gov]
Sent: Tuesday, November 25, 2008 3:50 PM
To: McCaffrey, Linnea
Cc: Daigle, Ben
Subject: FW: Continuing Committee Meeting: July 10th at 1:30 PM

Hi, Linnea:

Per our conversation, I am forwarding the communications in which I provided notice of the July 10th meeting to members of the Continuing Legislative Committee on State Planning and Development.

Once I have sent the emails, I will call you to confirm receipt. Please feel free to contact me at any time if I may provide any additional information.

Ben Daigle

Benedict R. Daigle, MPA
Aide, Representative Art Feltman
Clerk, Planning & Development
Connecticut General Assembly
300 Capitol Ave., Rm. 2100
Hartford, CT 06106-1591
Phone: 1-800-842-8267
Fax: (860) 240-0021

Carpe Diem

From: Daigle, Ben
Sent: Wednesday, July 02, 2008 8:57 AM
To: Daigle, Ben
Subject: Continuing Committee Meeting: July 10th at 1:30 PM

Good morning:

REMINDER:

The Continuing Legislative Committee on State Planning and Development and the Office of Policy and Management will hold a public hearing in Waterford on Monday, July 7th.

NEW ITEM:

The Continuing Legislative Committee on State Planning and Development will meet at 1:30 PM on Thursday, July 10th in Room 2B of the Legislative Office Building to consider all proposed interim changes correctly before the committee at that time. The agenda will include Manchester (Botti Family), Norwich (Norwichtown Development), Colchester (Town of Colchester), South Windsor (Town of South Windsor), and possibly Waterford (Landel Realty). The meeting should last about two hours.

FOR YOUR CONVENIENCE:

All hearing announcements, applications, and other materials in the committee's possession may be found on the committee's website at <http://www.cga.ct.gov/pd/spd/proposedchanges.asp>. Interim change items are posted chronologically under their respective municipalities.

Please do not hesitate to contact me with any questions.

11/28/2008

Hoping you have a wonderful holiday weekend,
Ben

Ben Daigle, MPA
Aide, Representative Art Feltman
Clerk, Planning & Development
Connecticut General Assembly
300 Capitol Ave., Rm. 2100
Hartford, CT 06106-1591
Phone: 1-800-842-8267
Fax: (860) 240-0021

Carpe Diem

11/28/2008

McCaffrey, Linnea

From: Daigle, Ben [Ben.Daigle@cga.ct.gov]
Sent: Tuesday, November 25, 2008 3:58 PM
To: McCaffrey, Linnea
Cc: Daigle, Ben
Subject: FW: 7-10-08 Continuing Committee Meeting
Attachments: CC Norwich 2008 Norwichtown Development 5 OPM Findings and Recommendations 6-9-08.pdf; CC Norwich 2008 Norwichtown Development 1 OPM Requests Permission to Process Application (Includes Application) 4-21-08.pdf; CC Norwich 2008 Norwichtown Development 6 Applicant's Response to OPM 7-1-08.pdf

Again, per our conversation. Other attachments were included with the original email, but I removed them for your convenience; the remaining attachments pertain to your request.

Ben Daigle

Benedict R. Daigle, MPA
Aide, Representative Art Feltman
Clerk, Planning & Development
Connecticut General Assembly
300 Capitol Ave., Rm. 2100
Hartford, CT 06106-1591
Phone: 1-800-842-8267
Fax: (860) 240-0021

Carpe Diem

From: Daigle, Ben
Sent: Wednesday, July 09, 2008 1:24 PM
To: Daigle, Ben
Subject: 7-10-08 Continuing Committee Meeting

Good afternoon:

In preparation for our meeting tomorrow at 1:30 PM in 2B, I want to make sure you have the appropriate materials. The Continuing Legislative Committee on State Planning and Development will decide on applications pertaining to Colchester, Manchester, Norwich, South Windsor, and Waterford. I have attached to this email the relevant applications, hearing materials (if a hearing was held), and OPM Findings and Recommendations. These and other documents may also be found on our website at <http://www.cga.ct.gov/pd/spd/proposedchanges.asp>, a webpage perhaps worth saving as a "favorite."

Please feel free to contact me with any questions. I look forward to seeing you tomorrow.

Ben

Ben Daigle, MPA
Aide, Representative Art Feltman
Clerk, Planning & Development
Connecticut General Assembly
300 Capitol Ave., Rm. 2100
Hartford, CT 06106-1591
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Fax: (860) 240-0021

11/28/2008

Carpe Diem

11/28/2008

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State of Connecticut

GENERAL ASSEMBLY



PLANNING AND
DEVELOPMENT COMMITTEE
ROOM 2100
LEGISLATIVE OFFICE BUILDING
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0550

Continuing Legislative Committee on State Planning and Development

MEETING MINUTES

Thursday, July 10, 2008
1:30 PM in Room 2B of the LOB

I. CONVENE MEETING

Representative Feltman called the meeting to order at 3:00 PM and welcomed everyone to the meeting.

Committee Members

Present: State Senator Eric D. Coleman (Co-Chairman), State Representative Art Feltman (Co-Chairman), State Senator Leonard Fasano, State Representative Craig Miner, State Representative Richard Roy

Absent: State Senator Jonathan A. Harris, State Senator Joseph J. Crisco, Jr., State Representative Antonio "Tony" Guerrero, State Representative Jack Malone

II. REMARKS BY THE CHAIRS

Representative Feltman noted that speakers would be called as necessary to answer any committee members' questions.

III. ISSUES FOR COMMITTEE REVIEW

- a. Town of Colchester (requested change to the Conservation & Development Policies Plan for Connecticut 2005–2010 as it pertains to the Town of Colchester)

After discussion, Rep. Feltman asked for a motion to grant the applicant's requested change with regard to Area 1 unconditionally and with regard to Area 2 contingent upon the transfer of the property from the State Department of Transportation to the Town of Colchester. Rep. Miner made the motion and Sen. Fasano seconded the motion. Rep. Feltman ordered a roll call vote and the motion passed with 4 total voting, 4 voting yea, 0 voting nay, 0 abstaining, and 5 absent and not voting.

- b. Linda and Steven Botti (requested change to the Conservation & Development Policies Plan for Connecticut 2005–2010 as it pertains to the Town of Manchester)

After discussion, Rep. Feltman asked for a motion to grant the applicant's requested change. Sen. Fasano made the motion and Sen. Coleman seconded the motion. Rep. Feltman ordered a roll call vote and the motion passed with 5 total voting, 5 voting yea, 0 voting nay, 0 abstaining, and 4 absent and not voting.

- c. Norwichtown Development, LLC (requested change to the Conservation & Development Policies Plan for Connecticut 2005-2010 as it pertains to the City of Norwich)

After discussion, Rep. Feltman asked for a motion to reject the applicant's requested change. Sen. Coleman made the motion and Sen. Fasano seconded the motion. Rep. Feltman ordered a roll call vote and the motion failed with 5 total voting, 2 voting yea, 3 voting nay, 0 abstaining, and 4 absent and not voting.

Rep. Feltman then asked for a motion to grant the applicant's requested change. Rep. Miner made the motion and Sen. Fasano seconded the motion. Rep. Feltman ordered a roll call vote and the motion passed with 5 total voting, 3 voting yea, 2 voting nay, 0 abstaining, and 4 absent and not voting.

- d. Town of South Windsor (requested change to the Conservation & Development Policies Plan for Connecticut 2005-2010 as it pertains to the Town of South Windsor)

After discussion, Rep. Feltman asked for a motion to grant the applicant's requested change. Rep. Miner made the motion and Sen. Fasano seconded the motion. Rep. Feltman ordered a roll call vote and the motion passed with 4 total voting, 4 voting yea, 0 voting nay, 0 abstaining, and 5 absent and not voting.

- e. Landel Realty, LLC (requested change to the Conservation & Development Policies Plan for Connecticut 2005-2010 as it pertains to the Town of Waterford)

After discussion, Rep. Feltman asked for a motion to reject the applicant's requested change. Sen. Coleman made the motion and Rep. Feltman seconded the motion. Rep. Feltman ordered a roll call vote and the motion passed with 4 total voting, 4 voting yea, 0 voting nay, 0 abstaining, and 5 absent and not voting.

IV. ADJOURNMENT

A motion to adjourn was duly made and seconded. The meeting was adjourned at 4:50 PM.

Meeting materials may be found at www.cga.ct.gov/pd/spd/proposedchanges.asp.

Minutes submitted by:
Benedict R. Daigle, Committee Clerk
State of Connecticut General Assembly
Joint Committee on Planning and Development



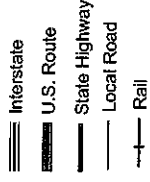
**Conservation and Development
Policies Plan for Connecticut
2005-2010**

Locational Guide Map

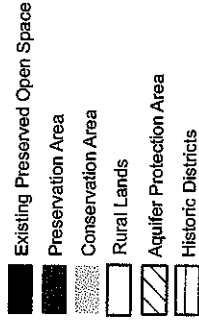
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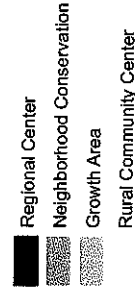
Streets



Conservation Policies

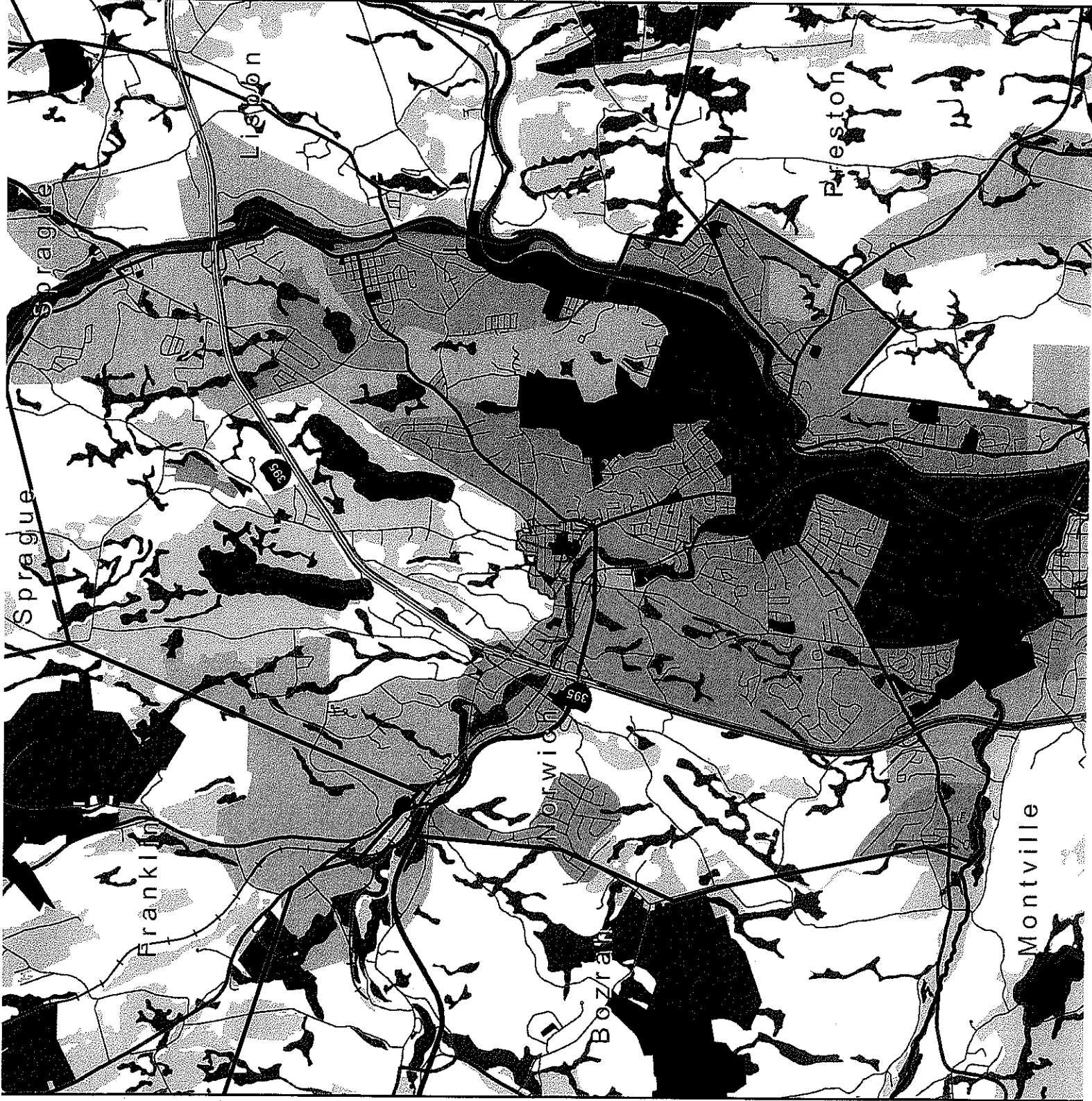


Development Policies



For general planning purposes only

Jul 18, 2008



Norwich Bulletin

Estimated printed pages: 2

September 14, 2008

Development: Neighbors saying no to Norwich housing proposal

JOHN PENNEY

Norwich Bulletin

A proposed 185-unit subdivision has neighbors upset over possible traffic, site contamination and sewer issues.

Norwichtown Development LLC of Lebanon submitted plans last month to the Inland Wetlands Commission for a community for people 55 and older on 59.5-acres along Scotland, White Plains and Hansen roads.

The commission postponed a public hearing on the application earlier this month at the request of attorneys for developer Francis Donner of Lebanon.

Donner declined to comment on the project, referring questions to his attorney, who did return calls.

A new public hearing is scheduled for Oct. 2.

About 40 residents attended the Sept. 4 meeting, including Barbara Doherty, a member of the Can the Plan Committee, a neighborhood group opposed to the project. She said roads proposed for the development would cause traffic snarls and dangerous conditions.

"The level of development planned is not appropriate for this area," she said.

Doherty said she also was concerned about possible contamination at the building site, former home to the Wilcox Sawmill Farm.

City Planner Michael G. Schaefer Sr. said contamination concerns about petroleum hydrocarbons were brought up during a failed attempt to build a subdivision at the site in 2004.

"But, to my knowledge, those have been pretty much taken care of," he said.

Neighbors also were concerned about plans to run a mile's worth of sewer pipes to the planned subdivision.

"It will be a large undertaking," Schaefer said. "Trenches will have to be dug for both sewer and water connections.

Lyle Lindstrom, who lives near the site of the proposed subdivision, said he'll be at next month's public hearing to make sure his opinion gets on the record.

"There's going to be huge traffic problems if it goes in," he said. "It's quiet now, and we like it that way."

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Foes Hope To Use Wetlands Laws To Block Active Adult Community

Foes Hope To Use Wetlands Laws To Block Active Adult Community

By Claire Bessette

Published on 9/17/2008 in [Home](#) » [Region](#) » [Region News](#)

Norwich - Opponents of a proposed adult active community on Scotland and Hansen roads have asked for intervener status in the upcoming wetlands public hearing.

The project, proposed by Norwichtown Development LLC, would be the first development under an 18-month-old city zoning regulation allowing active adult community developments in residential zones.

The regulations allow up to eight units per acre. This proposal calls for about three per acre: 185 units on 60 acres of land at the junction of Scotland and Hansen roads, zoned for two-acre residential lots.

Attorney Barbara Doherty of 111 Hansen Road, submitted a letter to the city planning department last week asking the Inland Wetlands, Watercourses and Conservation Commission to grant her intervener status in the Oct. 2 public hearing on the project. Intervener status would allow Doherty to present witnesses, cross examine other witness and rebut other testimony.

Doherty said the neighborhood committee, called "Can the Plan," also has contacted an attorney for possible representation in the upcoming hearing and other city permit procedures for the housing project.

Residents near the proposed project also are upset that they were not informed about a July 10 meeting by a state legislative committee that voted on a key aspect of the project.

The state Continuing Legislative Committee on Planning and Development reviewed Norwichtown Development LLC's request that the 60-acre parcel be changed from "rural" to "neighborhood conservation" in the state plan of conservation and development. The change would allow sewer and water lines to be extended one mile along Lawler Lane to reach the project site, the former Wilcox Farm and sawmill.

Doherty said she was surprised to learn that city officials waived the city's right to seek a public hearing on the project, and that Norwich state Rep. Jack Malone, a member of the legislative committee, did not attend the meeting.

No one from Norwich attended the legislative committee meeting, and the five legislators present repeatedly questioned the city's absence and lack of input during a lengthy discussion on the project.

Doherty said local participation in the contentious legislative review could have swung the vote against the project, and residents should have been allowed to have a hearing. She called it "upsetting" that city Director of Planning Peter Davis and Commission on the City Plan Chairman Ralph Page sent letters in June to the legislative committee waiving the city's right to a public hearing, saying it was unnecessary.

Davis on Tuesday stood by the decision to waive the public hearing. He said City Planner Michael Schaefer and Norwich Public Utilities officials worked extensively with officials at the Southeastern Connecticut Council of Governments in favor of the designation change to allow sewers to be extended to the project.

Davis added that supporting the sewer extension doesn't mean city officials favor the application. He said Schaefer has been highly critical of the preliminary plans and delayed the process numerous times, telling the developers that their plans were inadequate.

Doherty said the Can the Plan committee has asked for a video copy of the legislative committee meeting - which was aired

on the Connecticut TV network - and hopes to air it on local public access cable TV.

"Here we were with a Norwich project, and our Norwich representative wasn't even there," Doherty said of Malone's absence. "None of those guys were from east of the river. But to give them credit, they were looking for input from Norwich."

Malone said Tuesday that he never received any of the documentation from the legislative committee on the Norwich project nor even a call for a meeting. He said he would have voted against changing the designation of the area.

Malone said the committee meets irregularly, but prior to meetings he usually receives a thick packet of material on the applications to be considered - including maps, letters from various officials. He said he had spoken to the project attorney in June and expressed his opposition and knew it would be coming to a vote in the near future. But he never received anything further.

Malone said he plans to speak to committee officials about the oversight.

"I'm not going to miss a committee meeting that is on that Norwich project even if it is the toughest vote I could face," Malone said. "I knew the issue would come before the committee at some time. I knew on June 23 it was coming, but didn't know it was that quick."

Norwich

Norwich Bulletin

Estimated printed pages: 2

September 18, 2008

Neighbor seeks active role at hearing for proposed adult housing community

JOHN PENNEY

Norwich Bulletin

Opponents of a planned adult community development are pulling out all the stops to prepare for next month's public hearing on the controversial project.

Attorney Barbara Doherty last week filed for intervener status in anticipation of an Oct. 2 Inland Wetlands, Watercourses and Conservation Commission public hearing. The hearing will address a proposal by Norwichtown Development LLC of Lebanon to build a 185-unit active adult community subdivision on 59.5 acres near Scotland, Hansen and White Plains roads.

Doherty said City Planner Michael G. Schaefer Jr. was scheduled to meet with the town attorney Wednesday to discuss her intervener status, but had no indication of when an approval or denial could be expected.

Schaefer could not be reached Wednesday for comment.

If her intervener status is approved, Doherty, a Hansen Road resident and critic of the project, would have a role similar to an attorney's, able to question and present witnesses during the hearing. She is a member of the "Can the Plan" committee, which includes several opponents of the project who live near the proposed development site.

Committee members have expressed concern about the construction of sewer extensions that would be needed if the development is built. It would involve digging swaths of trenches along neighborhood streets.

"We're very concerned about possible wetlands contamination if one of those pipes malfunctions," Doherty said.

Schaefer previously stated nearly a mile of water and sewer pipes would need to be laid to extend existing lines to the development.

What's next The Inland Wetlands, Watercourses and Conservation Commission will hold a public hearing Oct. 2 on Norwichtown Development LLC's plan to build a 185-unit subdivision.

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State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE JACK MALONE
FORTY-SEVENTH ASSEMBLY DISTRICT

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CHAIRMAN
APPROPRIATION SUBCOMMITTEE ON HEALTH &
HOSPITALS

MEMBER
APPROPRIATION COMMITTEE
PUBLIC HEALTH COMMITTEE

September 19, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen
Continuing Legislative Committee on Planning and Economic Development
Legislative Office Building
Hartford, CT 06106-1591

Dear Chairmen Coleman and Feltman:

The matter of a vote taken on July 10, 2008 remains of particular concern to me. On that date the Continuing Legislative Committee on Planning and Economic Development voted by a 3-2 margin to approve the application of Messrs. Abele and Donner of Norwich to override the recommendation of the State Plan of Conservation and Development. A careful analysis of the record of the meeting will reveal there were significant questions about the position of Norwich officials on the matter. Despite that a vote was taken.

Several explanations have been uncovered this week as to why there was no representation of Norwich before your committee. Notice had been tendered by one Norwich Planning official indicating the City would not seek or would pass on the opportunity to have a public hearing on the matter. While I am quite certain I was properly noticed by the Committee Clerk, that call of the meeting apparently was lost in the several hundred emails that I receive each day.

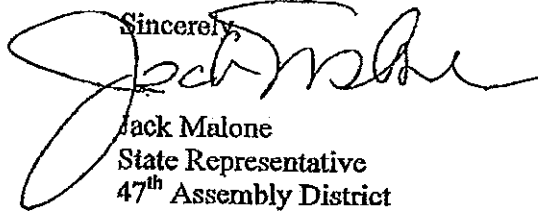
Officials in Norwich have indicated to me that not enough attention to the matter was placed on the committee's meeting because it was scheduled in the middle of the vacation season.

In hindsight, it was a serious matter that deserved a great deal of thought and consideration. It is not a matter that should have been taken lightly because it does alter the carefully crafted State Plan of Conservation and Development. Most importantly, the vote has serious ramifications for rural Norwich and deserved to be properly vetted before the citizens of our community.

Therefore, I would respectfully request that when your committee next convenes you allow a motion to be made and rule favorably on having this vote reconsidered. I have carefully examined the statutes and rules governing our committee and learned that such a motion would be properly before the committee—it would be the Chairmen's prerogative to rule favorably on reconsideration.

I am quite certain that members of the committee would, if properly and fully informed, vote wisely on the matter. I thank you for your time and attention to this request and the positive response I trust it will bring.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Malone", written over the typed name and title.

Jack Malone
State Representative
47th Assembly District